Reclamation Board Meeting
June 16, 2006

Staff Report
Encroachment Application No. 18018-2
Califia, LLC (River Islands at Lathrop)

Request for Encroachments on Fill Placed On and Adjacent to Project Levees
San Joaquin River, Reclamation District No. 2062, City of Lathrop

Item

Consider approval of Application No. 18018-2 to establish the limits of the federal flood control project easement to be obtained by the Board and encroachments that may occur within the Board's easement. Application No. 18018-2 is based on material submitted to the Board as Part 2 of Application No. 18018 and discussed within Appendix A of that application (Attachment A). The applicant provided the Board with a specific request for action, culminating in a letter dated June 7, 2006 (Attachment B) that followed discussions between Board staff and the applicant during a meeting on June 7, 2006. To expedite the application, Board staff treated the applicant's request as a clarification of the original application submittal. The original application requested the Board consider the following items for the area on and adjacent to the left bank levee reach generally located between the Union Pacific Railroad Bridge over the San Joaquin River and the Head-of-Old River Fish Barrier on Old River in Reclamation District No. 2062 (RD-2062) on Stewart Tract in the City of Lathrop.

1. Define and set the minimum width of the federal flood control levee easement required for the River Islands levees.
2. Consider allowing the specific encroachments listed below to be placed on the Board's levee easement, if defined in Item 1 above, without the need for additional permits.
    a. Gates perpendicular to the levee (500-foot minimum spacing)
    b. Fences parallel to the levee.
    c. Vegetation (sod, grasses, perennial flowers, and other non-woody groundcover)
    d. Trees on a standard levee section
    e. Irrigations systems
    f. Non-habitable structures and swimming pools
3. Acknowledgement that area outside the levee easement, if defined in Item 1 above, is not subject to Board jurisdiction.

Applicant

Califia, LLC, developer of the River Islands at Lathrop Project (River Islands).

Location

River Islands is located in Reclamation District No. 2062 (RD-2062), which is part of Stewart Tract and within the City of Lathrop (Figure 1). RD-2062 is located about 10 miles south-southwest of Stockton on the north side of Interstate 5. Stewart Tract is comprised of two reclamation districts, RD-2062 located northwest of the Union Pacific Railroad (UPRR) and the site of River Islands and RD-2107 located southeast of the UPRR. Although RD-2107 is not part of River Islands, some of the proposed future flood protection system modifications will be located in areas where RD-2107 has jurisdictional authority and maintenance responsibility.

Project Description

River Islands is proposing to convert RD-2062 (about 4,900 acres) from agricultural use to a mixed urban use consisting of single and multi-family residential, governmental, business/commercial, and park/open space. This application is Step 2 of the initial phase of development. Step 1 of the initial phase of development was covered by Application No. 18018-1, which consisted of reconstruction of the landside portion of the existing federal flood control levee and placement of fill between the reconstructed levee and an interior private flood protection levee constructed in 2005 by River Islands. The interior flood protection levee protects about 20-25% of the total area within RD-2062 (Figure 2) and removes the area from the FEMA 100-year floodplain, thereby, allowing residential development to occur within the area protected by the interior flood protection levee.

CEQA Compliance

The City of Lathrop (City) is the California Environmental Quality Act (CEQA) lead agency for the River Islands at Lathrop Project and the Reclamation Board is a responsible agency pursuant to CEQA. The City distributed a draft Subsequent Environmental Impact Report (SEIR) for public review on October 17, 2002 with a 45-day review period that ended on December 2, 2002. The Reclamation Board provided comments regarding the draft SEIR in a letter dated December 30, 2002 (Attachment C). The final SEIR was submitted to the State Clearinghouse (No. 1993112027) on January 22, 2003. As required by Title 23, Section 8(b)(2), the final SEIR was submitted with Application No. 18018 to the Board on November 23, 2005. The Board's Environmental Review Committee (ERC) consisting of staff from the Reclamation Board/Department of Water Resources, State Lands Commission, and Department of Fish and Game met in December 2005 to review the environmental documentation submitted for twelve applications, including Application No. 18018, for compliance with CEQA. In a letter to the Board's Acting General Manager, Dan Fua, dated February 2, 2006, the ERC review of environmental documents submitted for Application No. 18018 indicated compliance with CEQA. The Acting General concurred with the ERC recommendation by signature on February 2, 2006 (Attachment D).

Board Regulations - Title 23 Levee Standards

1. Section 120(a)(5), Levee Easement

   The applicant shall provide the board with a permanent easement granting the Sacramento and San Joaquin Drainage District all flood control rights upon, over, and across the property to be occupied by the proposed flood control works. The easement must include the area within the proposed floodway, the levee section, and the area ten (10) feet in width adjacent to the landward levee toe if the area is not presently encumbered by a board easement.

2. Section 120(a)(24), Levee Slopes

   The finished slope of any project levee construction or reconstruction must be three (3) feet horizontal to one (1) foot vertical, or flatter, on the waterside and two (2) feet horizontal to one (1) foot vertical, or flatter, on the landside of the levee.

3. Section 120(a)(31), Levee Crown Width

   The minimum crown width of a levee is normally twelve (12) feet on minor streams and twenty (20) feet on major streams. The levee crown width for a levee on a specific stream is defined by the project document and/or operations manual in current use and must be consistent with minimum width requirements of existing levees on the specific stream.

Proposed Levee Design Criteria and Easement

The River Islands at Lathrop Project levee design and easement proposal is discussed in the following paragraphs. The minimum levee cross-section and design parameters being proposed for project levees that are being constructed or reconstructed on RD-2062 as part of River Islands is shown on Figure 3 and the proposed project levee easement area, which has been subdivided into Zone A and Zone B, to be provided to the Board is shown on Figure 4.

1. Levee Design Criteria

   a. Waterside and Landside Slopes

      The finished slope of any project levee constructed or reconstructed and any levee constructed that is expected by the applicant to be requested to become a project levee must be three (3) feet horizontal to one (1) foot vertical, or flatter, on the waterside and two (2) feet horizontal to one (1) foot vertical, or flatter, on the landside. Under Title 23, Section 4 (s), the levee toe is defined as the point of intersection of the levee slope with natural ground. The landside slope will end at the landside toe. The location of the waterside and landside toes will be as determined by Board staff.

b. Crown

The crown width of any project levee constructed or reconstructed and any levee that is expected by the applicant to be requested to become a project levee must be a minimum of 20 feet, as described for a standard sized levee section in Title 23, Section 120 . The minimum allowable levee crown elevation is to be based on the lesser of the elevations shown on the Corps of Engineers Levee Profiles for the San Joaquin River and Tributaries Project dated December 23, 1955 or as modified and shown on "as-built" drawings submitted subsequent to December 23, 1955 (Corps Profile) or the water surface elevation as computed for the 200-year hydraulic analysis performed by MBK Engineers and identified as the "Overtopping with No Failure" analysis (MBK Study). The maximum crown elevation of any project levee constructed or reconstructed and any levee that is expected by the applicant to be requested to become a project levee is to the Corps Profile.

c. Levee Access Area

The 10-foot levee access area located landward of the landside levee toe, as shown on both Figure 3 and Figure 4, is required by Title 23, Section 120(a)(5) as discussed above. This space is required for control of encroachments that could affect the integrity of the levee and for access to the buried levee section and foundation area for equipment operation and construction activities. This area is an integral part of any levee easement and is included as part of Zone A, the levee easement area, as required by Title 23.

d. Levee Easement – Zone A

Zone A, the levee easement area, as shown on Figure 4 consists of all property owned located waterward of the landward boundary of the levee access area. The area defined by Zone A will have a standard Reclamation Board levee easement that allows for construction, reconstruction, operation, maintenance, and inspection of project facilities and all proposed encroachments or activities in this area that are not addressed by this permit, if approved by the Board, will require an approved Board encroachment permit. Private, individual encroachments will not generally to be permitted within Zone A. Generally, most if not all of Zone A is expected to designated as communal property for use as park/open space where the designated use is consistent with the Zone A primary purpose of protecting a federal flood facility.

e. Levee Easement – Zone B

Zone B, the excavation easement, will apply to the area located landward of Zone A a distance equal to the depth of the fill material along the landward Zone A boundary and slope excavation criteria established by the California Occupational Safety and Health Administration (Cal OSHA) based on the soil parameters of the engineered fill material. The Zone B area required in order to safely excavate for access to the project levee easement area as defined by Zone A. Zone B is expected to consist primarily of individual, private residential parcels and, in general, Reclamation Board permits will not be

required for activities or encroachments within Zone B with the caveat that anything located within Zone B may need to be removed at the property owner's expensive if required by the Reclamation Board for maintenance, repair, construction or reconstruction of a flood control project. Permits may also be required in Zone B if, in the opinion of the Reclamation Board, the proposed encroachment or activity poses a threat to the federal flood control project or adopted plan of flood.

f. Levee Easement – General

As a condition of this and future associated permits, if approved by the Board, the applicant and/or RD-2062 will be required to provide an easement for all lands owned by either entity within area as defined by both Zone A and Zone B. The easement will physically describe the location of the boundary between Zone A and Zone B and clearly state the purpose and use of each zone. In exchange for clear title to the above easements, the Board is expected to quit-claim the hodge-podge of existing easements within RD-2062 (Figure 5).

Allowable Encroachments within Zone A, the Levee Easement

The applicant has requested specific encroachments be allowed to be placed within the levee easement if an easement is defined and a permit approved by the Board. The specific easements that have been requested by the applicant are discussed below.

1. Gates perpendicular to the levee with a 500-foot minimum spacing

Gates perpendicular to the levee are expected to be required to limit access, especially vehicular access, to the levee easement area. The request for gates with a minimum spacing of 500 feet spacing is excessive as this translates to as many as 128 gates over the approximately 64,000 lineal feet of project levee in RD-2062. Upon the submittal of more detailed plans, it is expected the number of perpendicular gates to be constructed can be mutually resolved.

2. Fences located parallel to the levee.

By the Board's standards, Title 23, Section 126(a)(2), all fences parallel to a levee must be located a minimum distance of ten feet off the levee toe, which is equivalent to Zone A as defined above. Parallel fences are generally not allowed because they may impair the inspection of the levee or other project works; interfere with maintenance of the levee or other project works; and interfere with the ability to engage in floodfighting, patrolling or other flood emergency activities. Although parallel fences will not be allowed in Zone A, they are allowed within Zone B and a boundary fence is expected to be placed in Zone B to delineate the Zone A-Zone B boundary.

3. Vegetation (sod, grasses, perennial flowers, and other non-woody groundcover).

The request for low growing vegetation, such as, sod, grasses, perennial flowers, and other non-woody groundcover can be beneficial to the levee slope, crown, and adjacent fill area. The proper selection and use of such vegetation provides stabilization of the ground surface, reducing or preventing erosion by blowing wind and running water. Proper vegetation includes the types and species

listed in Title 23, Section 131, or others as may be approved by the Reclamation Board.

4. Trees on a standard levee with a 20-foot wide crown.

By the Board's regulations, Title 23, Section 131, trees are not permitted on the crown or slopes of a standard size levee, which is a levee cross-section that has a width of less than thirty (30) feet at the design freeboard elevation and standard levee slopes. As defined above, the levee section proposed for River Islands has standard levee slopes but only a 20-foot crown width, therefore, the proposed levees are considered "standard size" for the purpose of planting trees. Although Board staff cannot recommend planting of trees on the proposed levee because it violates the standards of Title 23, there are mitigating circumstances the Board should consider when making a decision. First, when a tree on the waterside levee slope falls over, the root ball tends to pull up a large section of the levee, reducing the width of the cross-section and making the levee more susceptible to catastrophic failure with resultant flooding of the area protected by the levee. Therefore, trees are allowed on oversized levees but not on standard sized levees because of the extra factor of safety provided by the additional 10 feet of material in the width of an oversize levee section. Second, the River Islands project as proposed, is not likely to experience a catastrophic failure because of the approximately 300-foot wide primary fill area and the additional 1,200 feet of fill material tapered to the internal ground elevation within RD-2062. Finally, any encroachments, including planted trees, implemented under an approved permit are the responsibility of the permittee and the permittee responsible for any damages caused by their permitted encroachment. Therefore, the permittee will be required to repair any damage caused by trees planted under permit, if issued by the Board. Because the permittee, in this case, is the developer, and not the individual property owner who will ultimately live in the area, the permit will need to specify that such obligations are spelled out to and accepted by the property owner, and that that owner be able to undertake that obligation.

5. Irrigations systems.

Irrigation systems designed and installed in conformance with the standards of Title 23 are an acceptable encroachment. As discussed in Item 3 above, proper selection and use of vegetation on and adjacent to the levee can be beneficial to the integrity of the levee and irrigation systems to supply water is expected to be necessary for the vegetation to survive and perform as expected.

6. Non-habitable structures and swimming pools.

As discussed above, private party encroachments, such as non-habitable structures and swimming pools, will not be allowed in Zone A, the levee easement area. If the area becomes a communal park or open space as presently envisioned, communal facilities such as restrooms, benches, picnic tables, etc. are expected to be requested within the Zone A and have been permitted in the past on other projects when determined by the Board to be compatible with the construction, operation, inspection, and maintenance of flood protection facilities and the adopted plan of flood control.

Board Acknowledgement Regarding the Area outside the Levee Easement

The California Water Code and Title 23, the Board's regulations, define the jurisdiction of the Board and the authorized jurisdiction can not be abrogated by the Board. As discussed above, Zone A is expected to be an area fully regulated by the Board that will require approved Board permits for all proposed encroachments or activities not addressed by this permit, if approved. Landward of Zone A, and including Zone B, permits are not expected to be required but may be required if, in the opinion of the Reclamation Board, the proposed activity poses a threat to the federal flood control project or adopted plan of flood control.

Staff Recommendation

Staff recommends the Board approve of the plan of work as generally described above and authorize Board staff to finalize details and prepare and issue a permit consistent with the Board approval.

Figures

1. Project Location
2. Project Site
3. Proposed Project Levee Section
4. Proposed Levee Easements
5. Existing Board Easements in RD-2062

Attachments

A. Original Application Submittal
B. Modification Request Letter
C. Reclamation Board EIR Comment Letter
D. Concurrence with CEQA Compliance

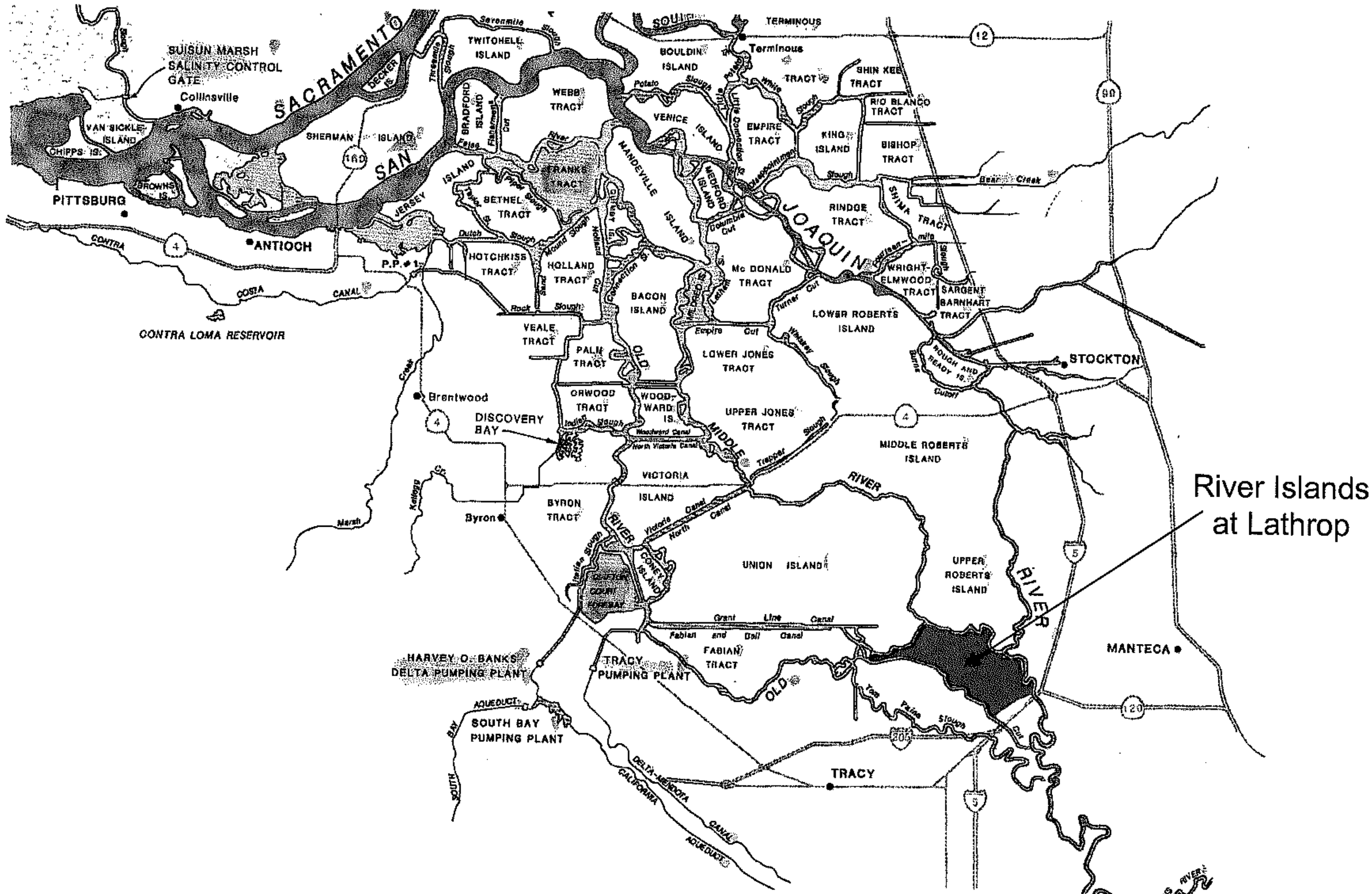


Figure 1
Project Location

River Islands at Lathrop
Stewart Tract

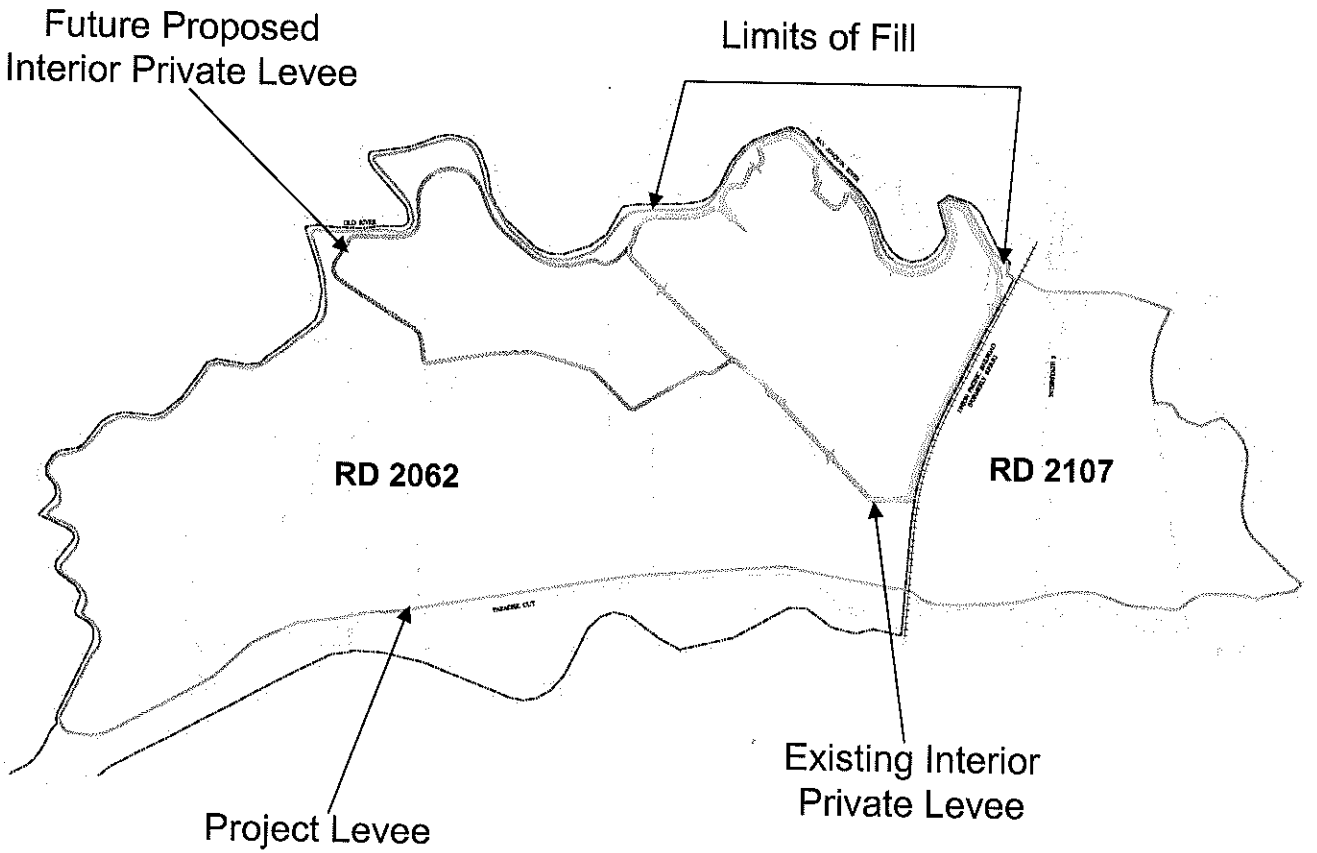
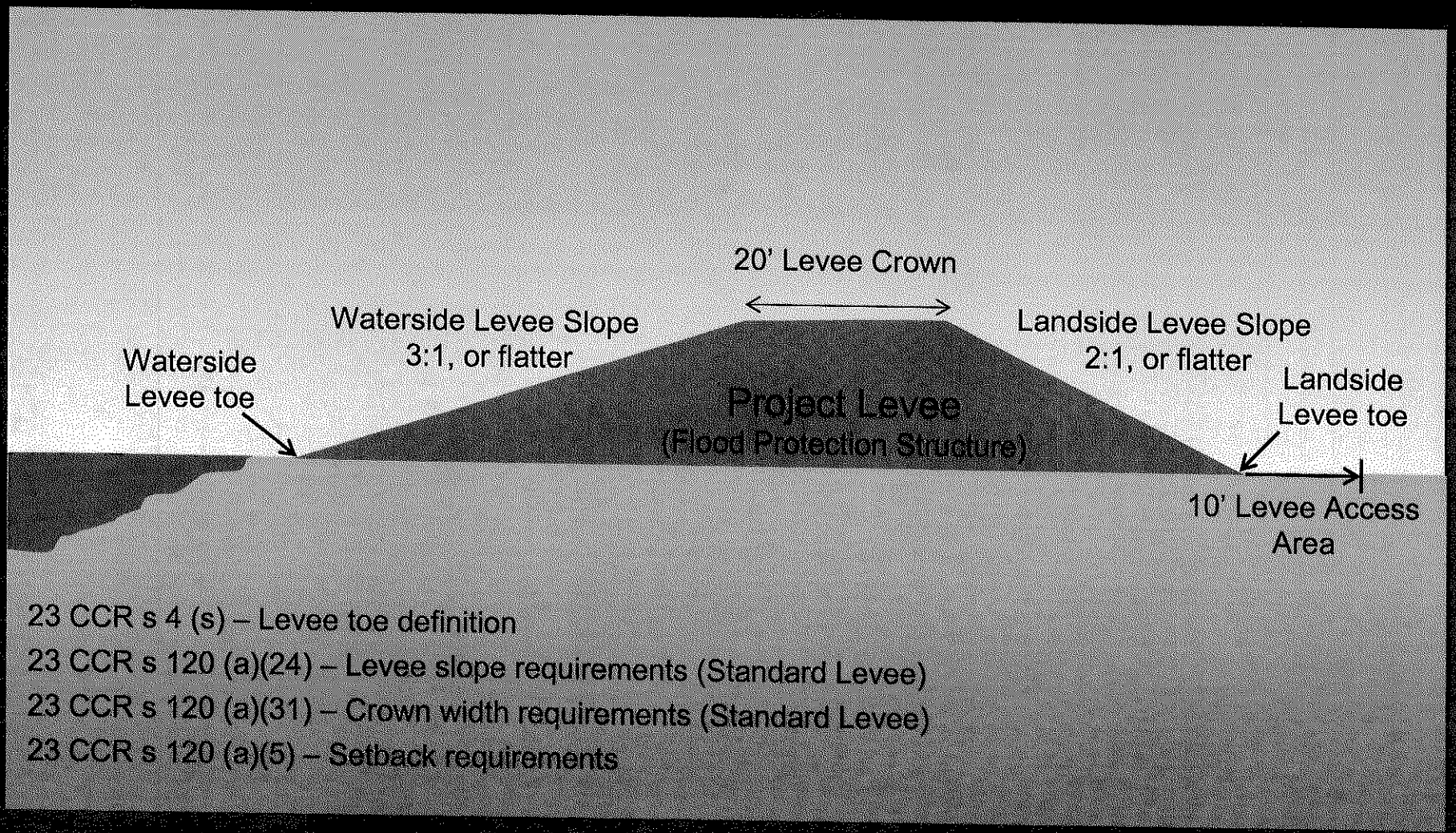


Figure 2
Project Site

Proposed Project Levee Section



23 CCR s 4 (s) – Levee toe definition
23 CCR s 120 (a)(24) – Levee slope requirements (Standard Levee)
23 CCR s 120 (a)(31) – Crown width requirements (Standard Levee)
23 CCR s 120 (a)(5) – Setback requirements

Figure 3

Proposed Levee Easements

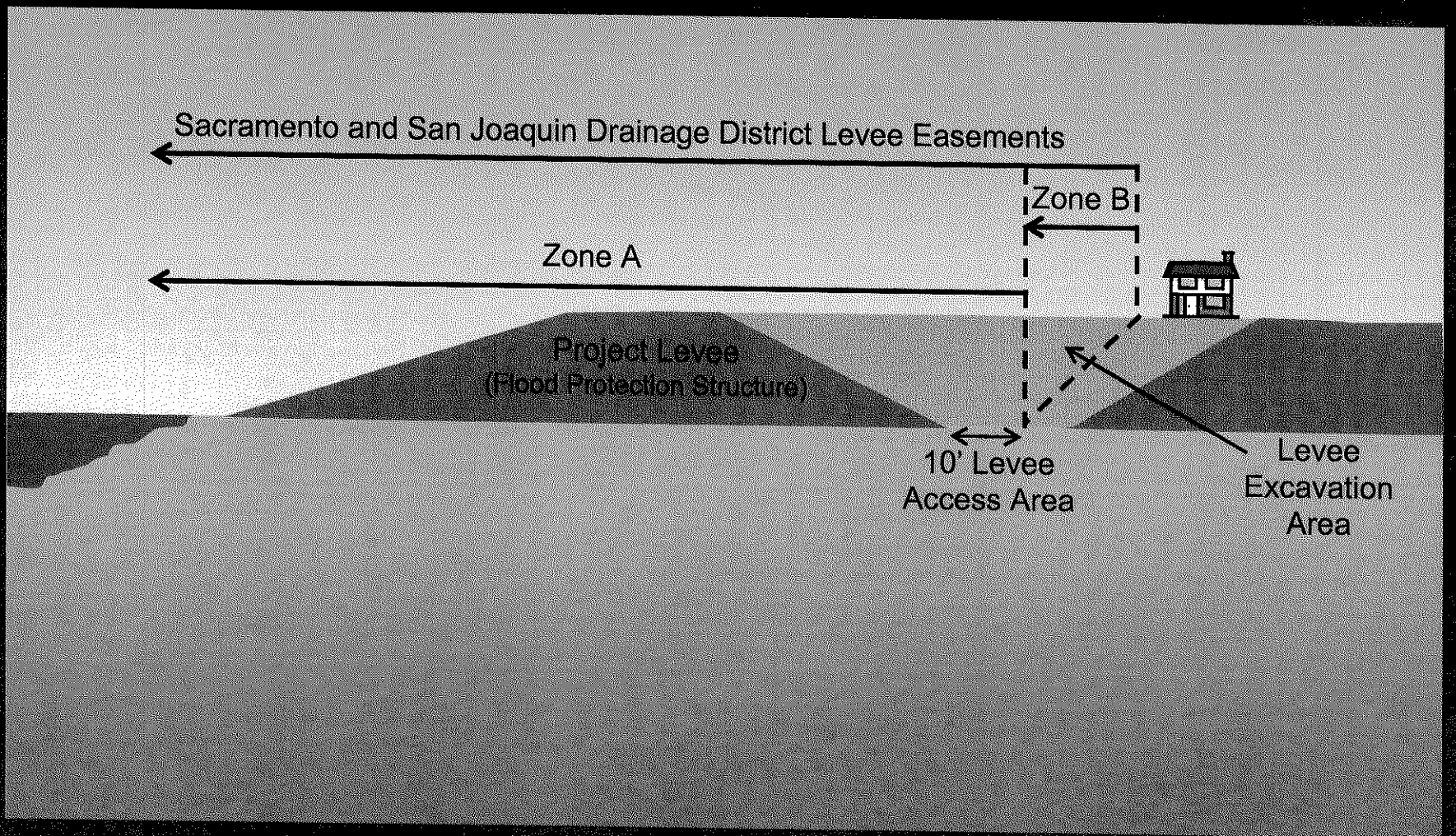


Figure 4

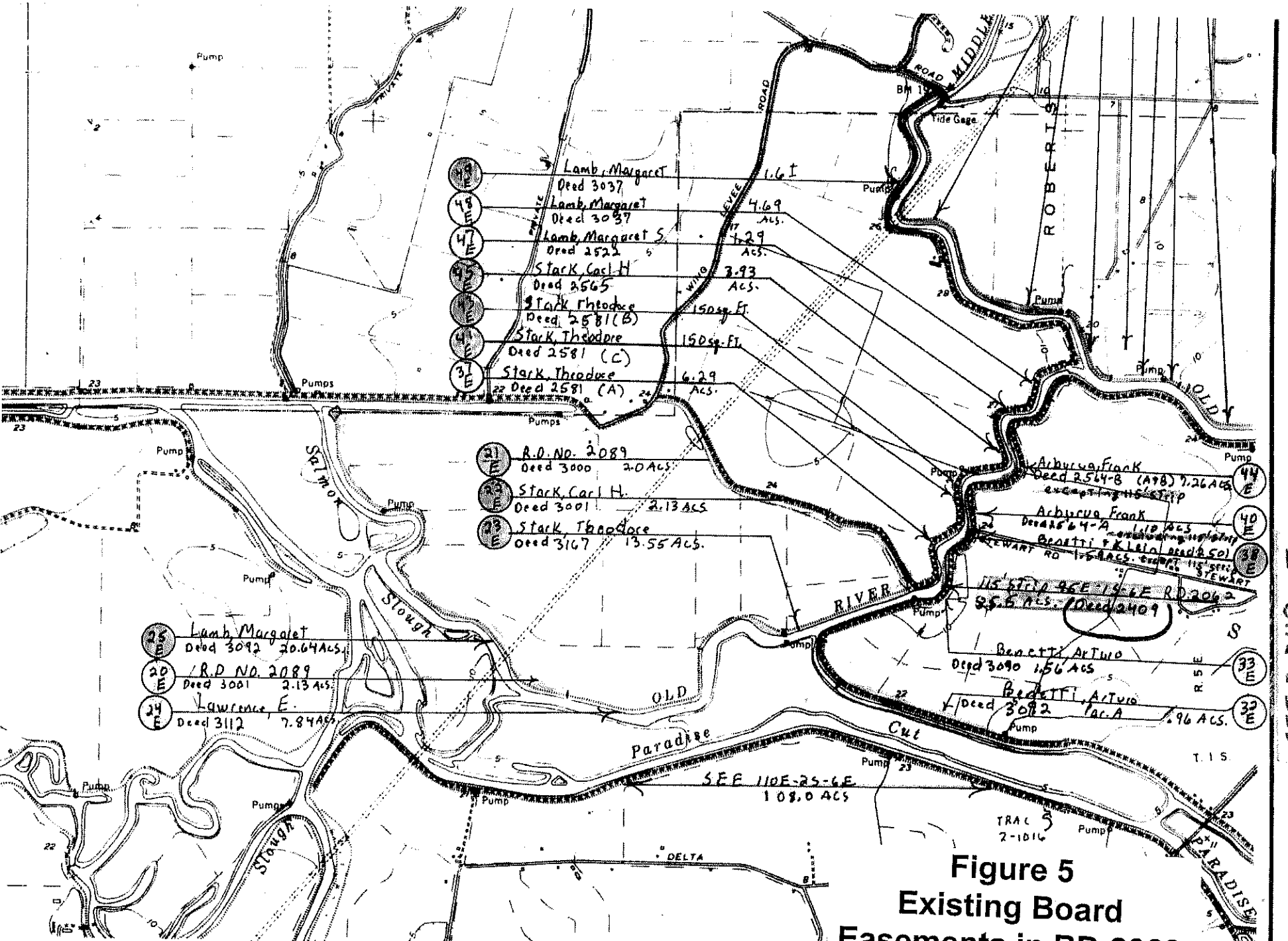
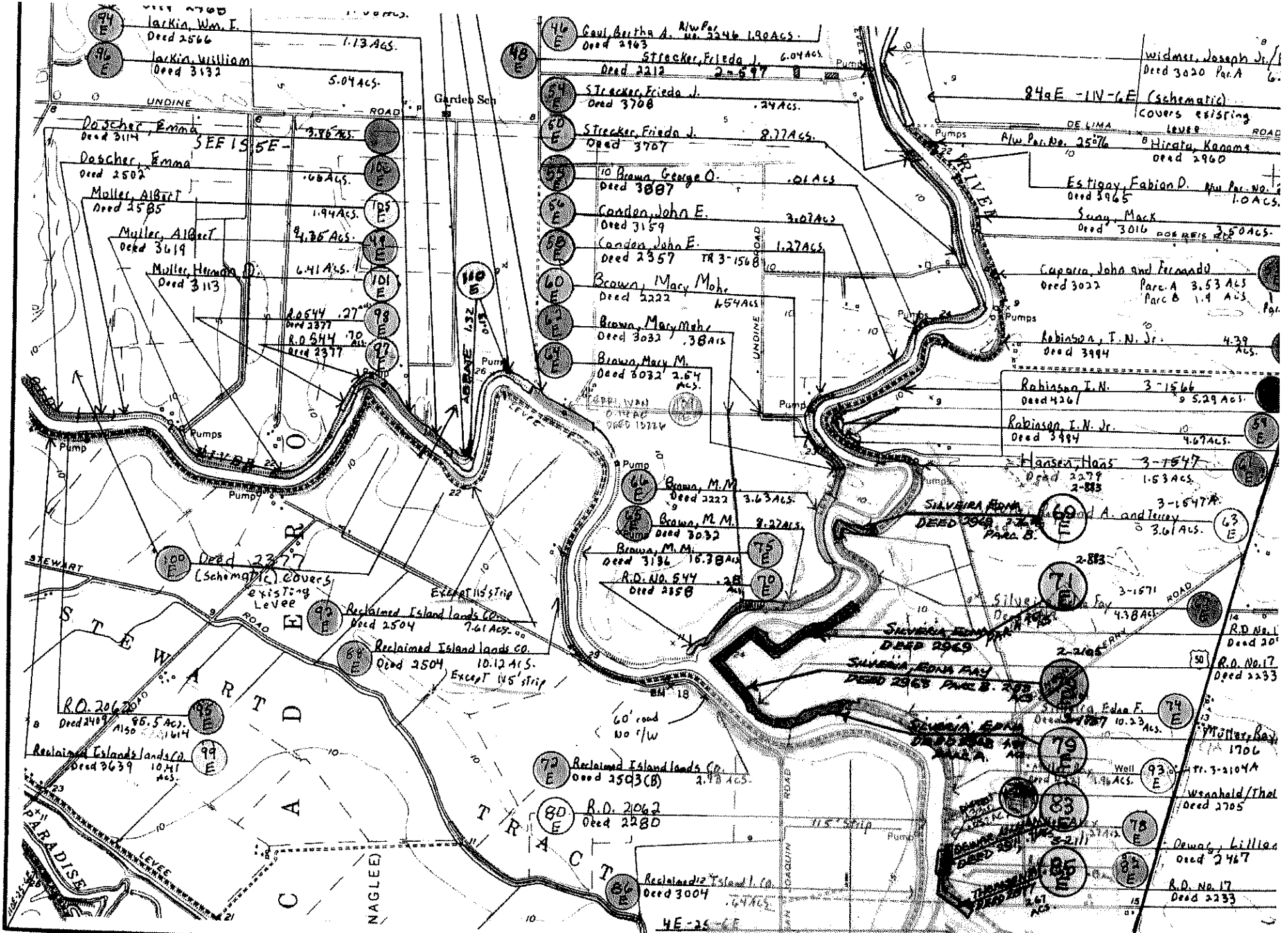


Figure 5
Existing Board Easements in RD-2062

THE RECLAMATION BOARD

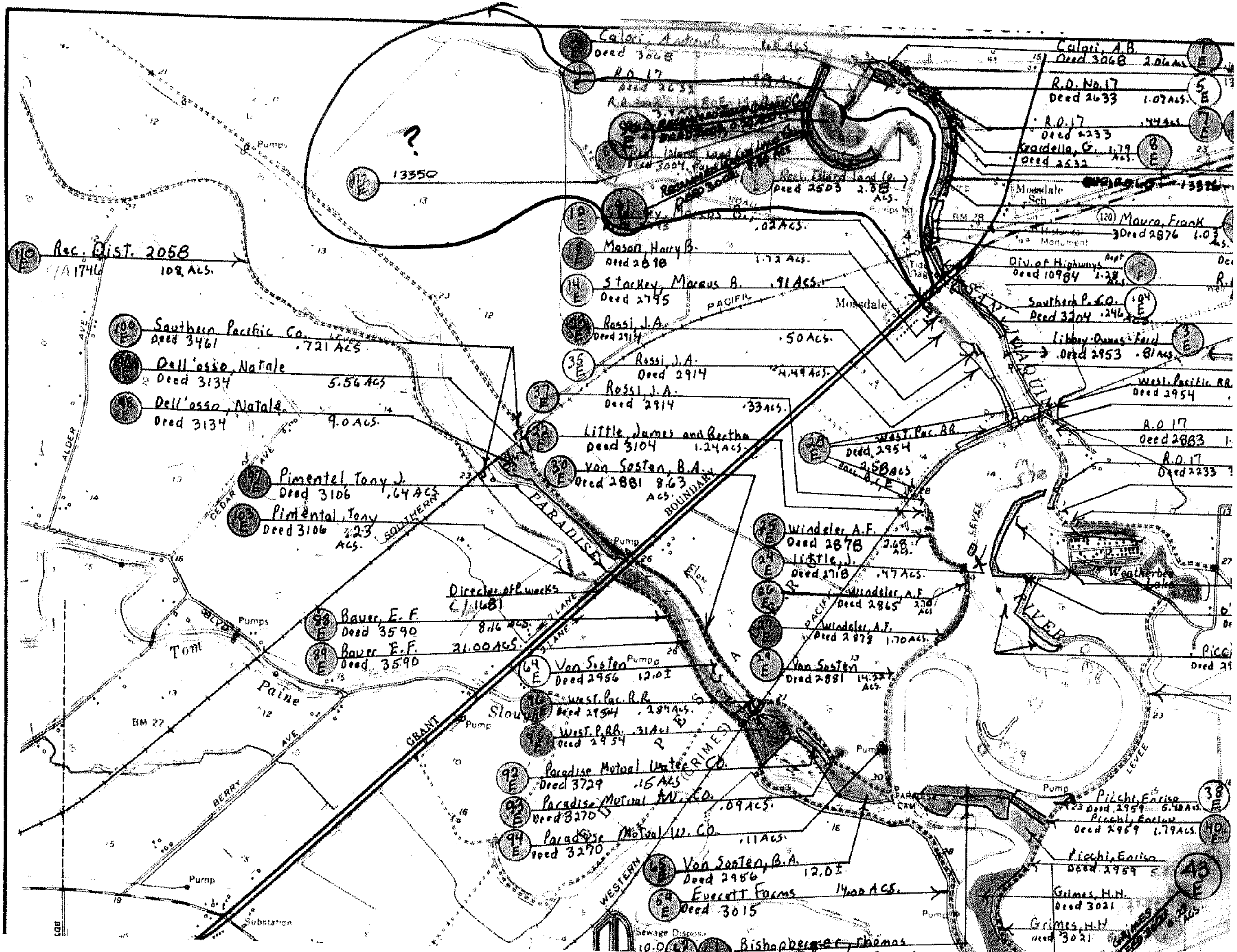
S. Joid RVR To Paradise CUT W.S. 13.1

Tr. 3-748-18



LAND INVENTORY INDEX MAP S.J. old RUR To Paradise CUT

S J



Calori, A.B.
Deed 3068 2.06 Acs.
R.D. No. 17
Deed 2633 1.07 Acs.
R.D. 17
Deed 2233 .44 Acs.
Kradella, G. 1.79 Acs.
Deed 2532
Rock Island Land Co.
Deed 2503 2.38 Acs.
Mossdale Sch
Historical Monument
Mauca, Frank
Deed 2876 1.03 Acs.
Div. of Highways
Deed 10984 1.28 Acs.
Southern P. Co.
Deed 3204 .246 Acs.
Libby Owens Ford
Deed 2953 .81 Acs.
West Pacific RR
Deed 2954
R.D. 17
Deed 2883
R.D. 17
Deed 2233
Mossdale
PACIFIC
Calori, Antonio B.
Deed 3068
R.D. 17
Deed 3004
13350
?
Rec. Dist. 2068
108 Acs.
Mason, Harry B.
Deed 2898 1.72 Acs.
Starkey, Marcus B.
Deed 2795 .91 Acs.
Rossi, J.A.
Deed 2914 .50 Acs.
Rossi, J.A.
Deed 2914 4.49 Acs.
Rossi, J.A.
Deed 2914 .33 Acs.
Southern Pacific Co.
Deed 3461 .721 Acs.
Dell'osso, Natale
Deed 3134 5.56 Acs.
Dell'osso, Natale
Deed 3134 9.0 Acs.
Little, James and Bertha
Deed 3104 1.24 Acs.
Von Sosten, B.A.
Deed 2881 8.63 Acs.
West. Pac. RR
Deed 2954
2.58 Acs
Pimentel, Tony J.
Deed 3106 .64 Acs.
Pimental, Tony
Deed 3106 .23 Acs.
SOUTHERN
PARADISE
BOUNDARY
Pump
Flow
Windeler, A.F.
Deed 2878 .68 Acs.
Little, J.
Deed 2718 .47 Acs.
Windeler, A.F.
Deed 2865 2.30 Acs.
Windeler, A.F.
Deed 2878 1.70 Acs.
Von Sosten
Deed 2881 14.33 Acs.
LEVEE
Weatherbee Lake
RIVER
Director of Public Works
(J 1681)
Bauer, E.F.
Deed 3590 8.16 Acs.
Bauer, E.F.
Deed 3590 21.00 Acs.
Von Sosten
Deed 2956 12.0±
West. Pac. R.R.
Deed 2954 .28 Acs.
West. P. RR.
Deed 2954 .31 Acs.
Paradise Mutual Water Co.
Deed 3729 .16 Acs.
Paradise Mutual W. Co.
Deed 3270 .09 Acs.
Paradise Mutual W. Co.
Deed 3270 .11 Acs.
(GRIMES)
Pumps
Tom Paine Slough
GRANT
BM 22
BERRY AVE
ALDER AVE
CEDAR AVE
Pump
Substation
WESTERN
Sewage Disposal
Von Sosten, B.A.
Deed 2956 12.0±
Everett Farms
Deed 3015 14.00 ACS.
Bishopberger, Thomas
Picchi, Enrico
Deed 2959 6.40 Acs.
Picchi, Enrico
Deed 2959 1.79 Acs.
Picchi, Enrico
Deed 2959
Grimes, H.H.
Deed 3021
Grimes, H.H.
Deed 3021
PARADISE DAM

Attachment A

Original Application Submittal

November 23, 2005

Stale of California DEPARTMENT OF WATER RESOURCES The Resources Agency

APPLICATION FOR A RECLAMATION BOARD ENCROACHMENT PERMIT -18018

Application No. _____
(For Office Use Only)

1. Description of proposed work:
To place engineered fill encroaching on project levee segments located on the Stewart Tract within the City of Lathrop. A more complete description is included with Attachment A.

2. Location: San Joaquin County, in Section NA (Rancho Pesadero),
Township: 2 South (N) (S), Range 6 East (W), M. D. B. & M.

3. Califia, LLC (Name of Applicant) of 73 W. Stewart Road (Address)

Lathrop (City) CA (State) 95330 (Zip Code) 209-879-7900 (Telephone Number)
209-879-7928 (Fax Number)

4. Endorsement: (of Reclamation District)
We, the Trustees of Island Reclamation District No. 2062 (Name and District Number)

approve this plan, subject to the following conditions:

☐ Conditions listed on back of this form ☐ Conditions Attached ☒ No Conditions

Trustee	Date	Glenn Gebhardt, President of RD 2062 Trustee	11-05 Date

5. Names and addresses of adjacent property owners sharing a common boundary with the land upon which the contents of this application apply. If add ional space is required, list names and addresses on back of the application form or an attached sheet.

Name	Address	Zip Code
Califia, LLC (Applicant)	73 W. Stewart Road, Lathrop	95330
Cambay Group, Inc.	2999 Oak Road, Suite 400, Walnut Creek	94597
Island Reclamation District No. 2062	73 W. Stewart Road, Lathrop	95330

6. Has an environmental determination been made of the proposed work under the California Environmental Quality Act of 1970? ☒ Yes ☐ No ☐ Pending

If yes or pending, give the name and address of the lead agency and State Clearinghouse Number:

City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

SCH No. 1993112027

7. When is the project scheduled for construction? July 2006 to November 2006

8. Please check exhibits accompanying this application.

A. ☒ Map showing the location of the proposed work.

B. ☒ Drawings showing plan and elevation views of the proposed work, scale, materials of construction, etc.

C. ☒ Drawings showing the cross section dimensions and elevations of levees, berms, stream banks, flood plain, low flow, etc.

D. ☒ Drawings showing the profile elevations of levees, berms, flood plain, low flow, etc.

E. ☒ Photograph depicting the project site.

9. Is the applicant acting for the owner of the proposed works? ☒ Yes ☐ No

If yes, the name, address and telephone number of the owner is

Same as Item 6 above.

Susan DeMoss 11/21/05

Signature of Applicant Date

For additional information:

See Attachments "A" through D

APPLICATION FORM 3615A

Environmental Assessment Form
"Fill Permit"

ENVIRONMENTAL ASSESSMENT QUESTIONNAIRE FOR APPLICATIONS FOR RECLAMATION BOARD ENCROACHMENT PERMITS

This environmental assessment questionnaire must be completed for all Reclamation Board applications. Please provide an explanation where requested. Incomplete answers may result in delays in processing permit applications. Failure to complete the questionnaire may result in rejection of the application.

1. Has an environmental assessment or initial study been made or is one being made by a local or State permitting agency in accordance with the California Environmental Quality Act?

   ☒ Yes ☐ No If yes, identify the Lead Agency, type of document prepared or which will be prepared, and the State Clearinghouse Number:

   City of Lathrop: River Islands Subsequent EIR, SCH No. 1993112027

2. Will the project require certification, authorization or issuance of a permit by any local, State or federal environmental control agency?

   ☒ Yes ☐ No List all other governmental permits or approvals necessary for this project or use, including U.S. Army Corps of Engineer' 404and Section 10 permits, State Water Quality Certification, Department of Fish and Game 1600 agreement, etc. Attach copies of all applicable permits.

   Grading Permit - City of Lathrop

   Encroachment Permit - Island Reclamation District No. 2062

   CLOMR-F and LOMR-F - Federal Emergency Management Agency (FEMA)

3. Give the name and address of the owner of the property on which the project or use is located.

   Califia, LLC, 73 West Stewart Road, Lathrop, CA 95330

4. Will the project or use require issuance of a variance or conditional use permit by a city or county?

   ☐ Yes ☒ No Explain:

   The physical construction of the improvements will only require ministerial permits from the City of Lathrop: a grading permit and an encroachment permit from the local reclamation district.

5. Is the project or use currently operating under an existing use permit issued by a local agency?

   ☐ Yes ☒ No Explain:

   For excavation, earth work and grading, no such permit is necessary. The associated land use entitlements for the development project associated with the encroachment were approved by the City of Lathrop on January 28, 2003 and July 19, 2005.

6. Describe all types of vegetation growing on the project site, including trees, brush, grass, etc.

   The project site currenly has only rudreal vegetation, such as weeds and native grasses along the sides of each levee segment. The grasses and weeds are managed by the local reclamation district (Island Reclamation District No. 2062) and provide erosion control to the levee slopes that are affected by the project. This vegetation will be stripped with the grading operation to meet proper soil conditions and compaction.

7. Describe what type of wildlife or fish may use the project site or adjoining areas for habitat, food source, nesting sites, source of water, etc.

   There is no known habitat within the specific project area between the levees. Riparian habitat exists nearby on the existing project levees; this habitat will not be affected by the project. Some foraging habitat for raptors such as the Swainson's Hawk are located in the fields within the interior levee. Payment of San Joaquin County Habitat Conservation Plan (SJCHCP) fees for the affected area within the interior levee have already been paid to the San Joquin Council of Goverments and necessary mitigations are in place for this affected habitat.

8. Has the Department of Fish and Game, U.S. Fish and Wildlife Service, or National Marine Fisheries Service been consulted relative to the existence of, or impacts to, threatened or endangered species on or near the project site?

   ☐ Yes ☒ No Explain:

   No such consultation is necessary, since the project does not impact aquatic species and terrestrial species impacts have already been mitigated by payment of the SJCHCP fees and associated River Islands EIR mitigation measures for adjacent interior lands.

9. Will the project or use significantly change present uses of the project area?

   ☒ Yes ☐ No Explain:

   The project will create a new high ground corridor levee that if approved by the State Reclamation Board, will also include the encroachment of non-habitable structures such as fences and gates.

10. Will the project result in changes to scenic views or existing recreational opportunities?

    ☐ Yes ☒ No Explain:

    The project will not significantly change scenic views or recreational opportunities at the project area.

11. Will the project result in the discharge of silt or other materials into a body of water?

    ☐ Yes ☒ No Explain:

    The project will not affect existing water courses, including Old River, San Joaquin River or Paradise Cut, since the fill will be placed on the "dry side" of existing levees. No fill or sediment will be placed on the water side of these levees and no construction activities will take place in a water/river channel, although planting of the water side of the new oversized levee is proposed and allowed under Title 23 regulations.

12. Will the project involve the application, use, or disposal of hazardous materials?

☒ Yes ☐ No If yes, list the types of materials, proposed use, and disposal plan. Provide copies of all applicable hazardous material handling plans.

It is not anticipated to handle hazardous material with this project.

13. Will construction activities or the completed project generate significant amounts of noise?

☒ Yes ☐ No Explain:

See Attachment B for a description of Noise Impacts

14. Will construction activities or the completed project generate significant amounts of dust, ash, smoke, fumes, or odors?

☒ Yes ☐ No Explain:

See Attachment C for a description of Air Quality Impacts.

15. Will the project activities or uses involve the burning of brush, trees, or construction materials, etc?

☐ Yes ☒ No Explain, and identify safety and air pollution control measures:

Construction of the project will result in short term construction related air quality impacts involving fugitive dust from grading operations which will be mitigated under the adopted Mitigation Monitoring Program (MMP) for the certified River Islands EIR, which is on file with the City of Lathrop.

16. Will the project affect existing agricultural uses or result in the loss of existing agricultural lands?

☐ Yes ☒ No Explain:

The project includes the construction activities in areas near existing agricultural lands, but will be contained within existing City levee segments that are not farmed. As a result, there will be no loss of agricultural lands due to the project.

17. Have any other projects similar to the proposed project been planned or completed in the same general area as the proposed project?

☐ Yes ☒ No Explain and identify any other similar projects:

18. Will the project have the potential to encourage, facilitate, or allow additional or new growth or development?

☐ Yes ☒ No Explain:

This project is required as a result of existing and planned growth already approved within the City of Lathrop, and will only serve to allow encroachment of fences and gates from that development on top of the new oversized levee. The existing interior levee system will already provide a 200 year level of protection for proposed development and the proposed engineered fill between the interior system and the project levees only further strengthens the flood control system for affected portion of the Stewart Tract.

19. Will materials be excavated from the floodplain?

☒ Yes ☐ No If yes, please answer the remaining questions.

THE REMAINING QUESTIONS MUST ONLY BE ANSWERED IF THE ANSWER TO QUESTION NO. 19 WAS "YES". IF THE ANSWER TO QUESTION NO. 19 WAS "NO", YOU DO NOT NEED TO COMPLETE THE REMAINING QUESTIONS.

A. What is the volume of material to be excavated?

Annually 3.5 million cu. yd. Total 3.5 million cu. yd.

B. What types of materials will be excavated?

Borrow pits located outside the interior levee system will be utilized for fill in the project. These borrow pits are located within the floodplain, however, they are located in proposed lakes associated with future phases of the River Islands development.

C. Will the project site include processing and stockpiling of material on site?

☐ Yes ☒ No Explain:

Fill will be set in place and compacted betwen the levee segments as it is excavated from the borrow pit areas and will not be stockpiled.

D. What method and equipment will be used to excavate material?

Scrapers and excavators will be utilize to excavate earth material from the former agricultural areas used as borrow pits.

E. What is the water source for the project?
Existing agricultural pumps and water sources on-site will be used for the grading operations.

F. How will waste materials wash water, debris, and sediment be disposed of?
Excavated waste material will be placed outside the floodway and then removed off-site.

G. What is the proposed end land use for the project site?
Extended yards, fences and gates for already approved and flood protected development.

H. Has a reclamation plan been prepared for this site in accordance with the Surface Mining and Reclamation Act of 1975?
☐ Yes ☒ No If yes, pleas attach a copy.

ATTACHMENT A

Project Description
"Fill Permit"

The "Fill Permit" request involves two components: the placement of engineered fill against a portion of project levees located on the Stewart Tract within Island Reclamation District No. 2062 (RD No. 2062) and a request for clarifications and variances to Title 23 regulations regarding the encroachment of certain structures and use of the area within the State Reclamation Board easement.

Placement of Engineered Fill: The first component of the Fill Permit involves the placement of engineered fill between the existing federal levee and the new interior levee currently under construction by RD 2062. RD No. 2062 is currently constructing a new interior levee system on a portion of the Stewart Tract; please see Exhibit "A". The interior levee system will allow development of Phase 1 of the River Islands project and did not require an encroachment permit from the State Reclamation Board since the entire interior levee is being constructed outside of the Planned Area of Flood Control. This Fill Permit is associated with the Phase 2A development of the River Islands project and includes filling the area between the existing federal project levee and the RD 2062 interior levee; see Exhibit "B".

Other activities associated with the Phase 2B development of the River Islands project are subject to a separate encroachment permit application (the CPM Permit) which includes flood protection and eco-restoration activities for the balance of the River Islands project. This Fill Permit is separate and apart from the CPM Permit request and all work performed under this Fill Permit is stand-alone and can be completed whether the CPM permit is approved or not. The Conceptual Project Modification Report ("CPM") further describes activities included with the Phase 2B development.

Existing federal project levees are located near the interior levee system at a minimum distance of 10 feet, varying to distances greater than 10 feet. The void between the levee systems can be filled and compacted, to create a new high ground perimeter system that would ultimately vary in width up to 300 feet. The new combined system would meet at least a 200 year level of protection required by the State Reclamation Board; however, the existing interior levee system is being designed and constructed to provide a 200 year level of protection.

Encroachment of Structures: The second component of this Fill Permit request involves a variance to Title 23 of the California Code of Regulation regulations regarding levee encroachment. The Army Corps Operations Manual and Title 23 do not fully address the design features of the proposal. The adopted regulations apply to typical levee construction, and various interpretations could apply to the high ground perimeter and the "theoretical levee" segment (see below) proposed by the project applicant. Consequently, the applicant requests that the Board clarify the design standards applicable to this new high ground perimeter and approve the necessary clarifications and variances for the following design features.

Vegetation

Since the new high ground perimeter would be considered an "oversized levee" as described in Title 23, vegetation on the waterside of these levees may be allowed. Specifically, adopted regulations allow for the planting of certain plants on "oversized" levees, on those levees that are 30 feet or wider as measured between the design freeboard elevation and the standard levee slope. The applicant requests that the Board approve a broader list of species than the currently approved plant guide for oversized levees. Acceptance of additional species would result in a variance to the standards set forth in Title 23.

Fences and Gates

The Board's adopted regulations allow fences and gates to be placed within the State Reclamation Board easement as long as they do not obstruct flood flows or cause an accumulation of debris that would obstruct flood flows. The applicant requests Board clarification that the following types of fences and gates are allowed and meet the intent of Title 23:

- Fences that parallel the 20-foot crown would be allowed at the top of the waterside slope (See Exhibit "C").

- Gates would be allowed to be built across the 20-foot crown adjacent to the waterside slope and that these gates may occur at each property line. The local reclamation district would have keys to the gates and would be able to inspect the levees at regular intervals as well as ensure that the gates are opened for independent inspection by Board personnel, if desired. The Geologic Hazard Abatement District proposed for formation with the project area ("GHAD") would be responsible for making sure that access was provided when requested (See Exhibit "C"). A full explanation of the GHAD is included in Exhibit "D".

The applicant is requesting the abovementioned clarifications as necessary in order to confirm that construction of the proposed design features would comply with the Board's adopted regulations. The proposed fences and gates will not obstruct flood flows, and regular maintenance and inspection can be arranged. The GHAD will have the authority to enforce compliance with the maintenance and inspection schedule. With respect to flood fighting, the applicant also believes that these fences will not obstruct the ability to make emergency repairs.

Neither of the two clarifications above requires Title 23 variances.

Width of Easements

Title 23 and the Operations Manual contemplates a standard State Reclamation Board easement that covers the waterside slope (3:1), a 20-foot levee crown (which includes a

12-foot maintenance road), the landside slope (2:1) and a 10 foot area adjacent to the landside toe. Assuming a 12-foot high levee which is a typical levee height with the proposed project, the easement would extend approximately 54 feet into the landside as measured from the top of the waterside slope. (See Exhibit "E" for typical levee segment).

The proposal of filling in the area between the existing federal levee and the new levees being constructed by RD 2062 provides a measure of flood protection by establishing a high ground perimeter that could be several hundred feet wide, and for which a "theoretical levee" is identified for easement purposes. The inside toe of the levee will be buried under 12 feet of fill as the high ground will typically extend for hundreds of feet and then gradually slope down to existing ground.

Acknowledging that the general maintenance of this area differs from a traditional levee maintenance program, and that the need for visual inspections on the inside levee toe will be superfluous, the applicant proposes the following concepts:

- Where landside fill is being placed against existing levees, (i.e. the levees are not being set back) all residential and commercial buildings will be located outside of the existing State Reclamation Board easement in accordance with applicable Title 23 Regulations. It should be noted that many of the existing mapped easements do not include the 10-foot maintenance area but rather extend to the inside toe of the theoretical levee.

- Where the levee are being set back (in the back bays and along Paradise Cut), the State Reclamation Board easement would not include the 10-foot area adjacent to the inside levee toe which will be buried under 12 feet of fill. The levee design does not contemplate reclamation district use of this area for maintenance, so the applicant requests elimination of this portion of the easement.

The first concept would not require a variance from the Title 23 standards because the easements currently exist, and could be "grandfathered in" as existing encroachments pursuant to Section 108 of the Title 23 standards.

The second concept however, would require a variance to Title 23. The applicant is requesting a variance from the allowable easement length that would permit a decrease in the length of the easement by 10 feet. The resulting effect of this variance would be that structures could be placed within 44 feet of the top of the waterside levee slope, rather than 54 feet. The applicant requests Board approval of this second concept because of the desire to balance the costs of constructing the high ground perimeter system, by offsetting sales premiums due to better views.

The reduction in easement width will not impact maintenance of the outside levee slope. The 12-foot maintenance road and the 20-foot crown adjacent to the waterside slope would remain. Forty-four feet of flat ground would be available in lieu of a slope on the

dry side of the 20-foot crown. In other words, under the applicant's proposed concept, the accessible flat ground would extend 44 feet horizontally rather than 20 feet.

Allowed Uses within the State Reclamation Board Easement

Title 23 prohibits construction of any new dwellings or habitable structures within the State Reclamation Board easement. If the Board approves the concepts outlined in above, the applicant will not propose any new habitable structures within the easement areas.

Regarding non-habitable structures within the easement area with the exception of the restrictions applicable to the 20-foot levee crown, which includes the 12-foot maintenance road, the regulations need clarification. The applicant proposes the following clarifications:

- Within the area of the 20-foot crown, the applicant would be permitted to construct a 12-foot maintenance road, of all-weather material, and no vegetation (other than potential lawn over grasscrete) would be allowed in this area (Zone 1, Exhibit "C").

- Within the remaining dry side portion of the easement, construction of patios, gazebos and other similar structures would be permitted with vegetation and associated irrigation systems (Zone 2, "Exhibit "C").

- Within the remaining dry side portion of the easement, subsurface structures may be constructed as long as the bottom of the structure does not encroach upon the theoretical levee slope (Zone 2, "Exhibit C"). Any subsurface structure that would encroach on the theoretical levee slope would be evaluated on a case-by-case basis and may require additional review.

Approval of these design concepts are subject to Board clarification and thus, are not anticipated to require variances.

Required Variations and Changes

In order to approve the Fill Encroachment and implement the above design issues, clarifications and variances are needed to Title 23 and will need to be incorporated in the Board's approval.

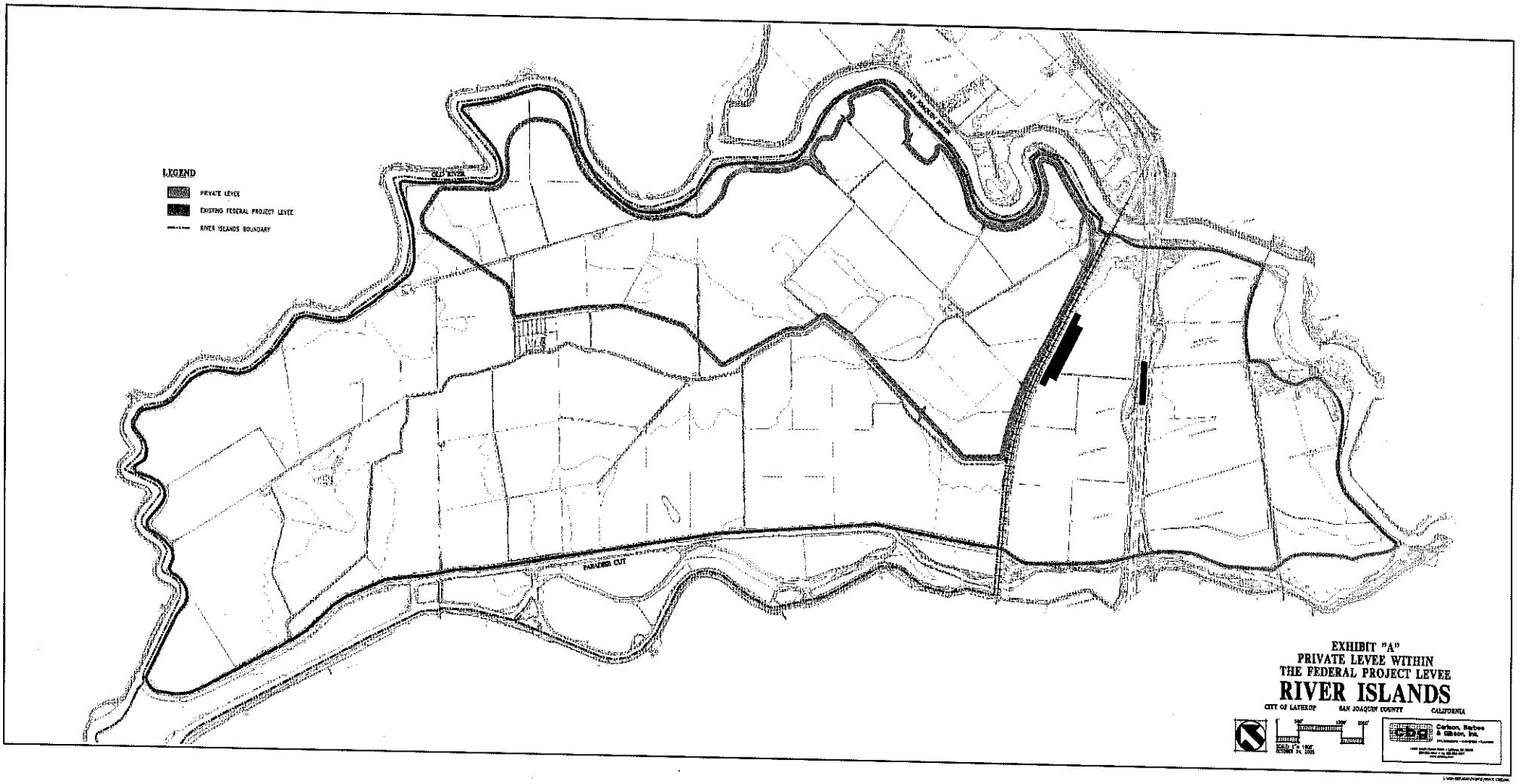


EXHIBIT "A"
PRIVATE LEVEE WITHIN
THE FEDERAL PROJECT LEVEE

RIVER ISLANDS

CITY OF LATHROP SAN JOAQUIN COUNTY CALIFORNIA

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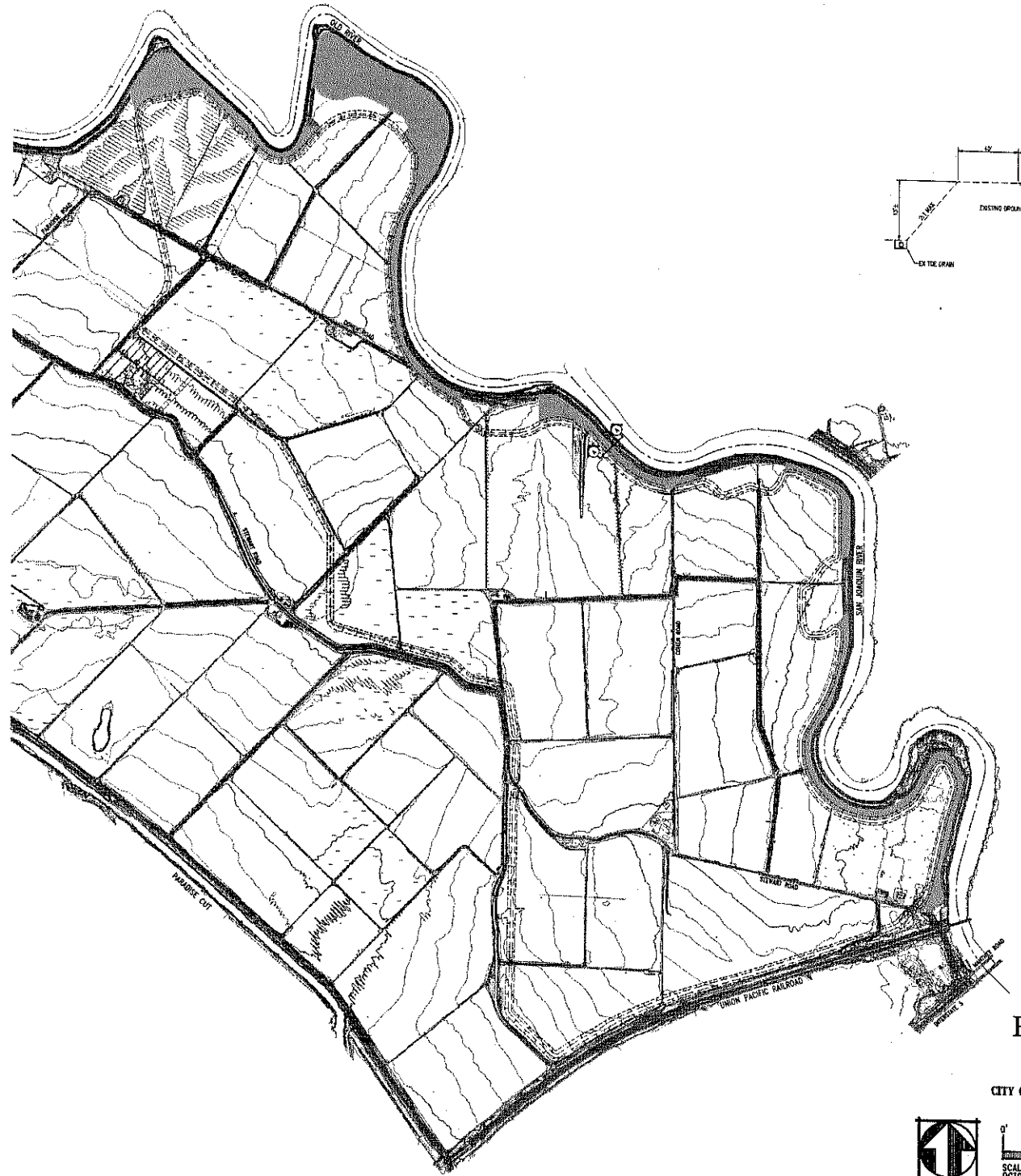
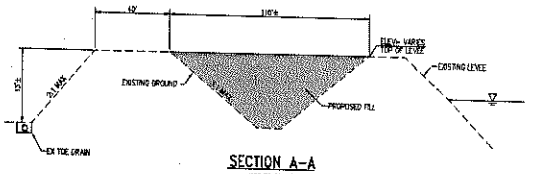




SECTION A-A
NOT TO SCALE

EXHIBIT "B"
ENCROACHMENT AREA
RIVER ISLANDS

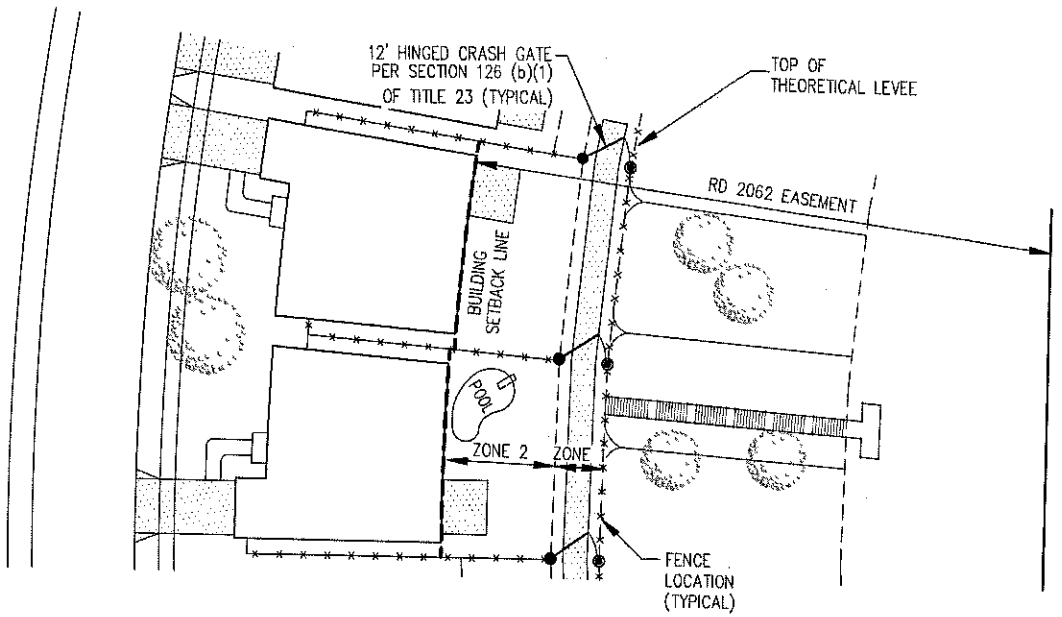
CITY OF LATHROP SAN JOAQUIN COUNTY CALIFORNIA

0' 600' 1800' 2400'

SCALE: 1"= 600'
OCTOBER 20, 2005

Carlson, Barbee & Gibson, Inc.

SHEET NUMBER 1 OF 1 SHEETS



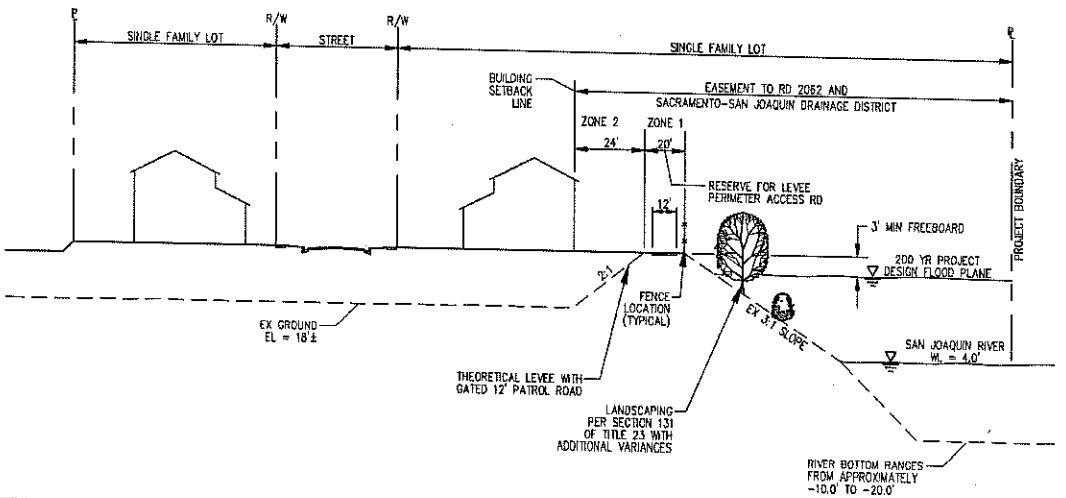


EXHIBIT "C"

EASEMENT ZONE DESIGNATION

RIVER ISLANDS

CITY OF LATHROP **SAN JOAQUIN COUNTY** **CALIFORNIA**

cbg Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS
16974 South Harlan Road • Lathrop, CA 95330
Tel 209-858-4944 • Fax 209-858-4977
www.cbandg.com
San Ramon • Lathrop

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EXHIBIT "D"
Overview of Geologic Hazard Abatement Districts

The applicant envisions the establishment of a Geologic Hazard Abatement District for the maintenance of the levees and related improvements as part of the Flood Control Program.

The Beverly Act (Public Resources Code sections 26500, *et seq.*) was signed into law in 1979 by the California legislature, establishing Geologic Hazard Abatement Districts (GHADs) to protect communities from geologic and geotechnical hazards. A GHAD is an independent political subdivision of the state and, therefore, are not an agent or instrumentality of a local agency. GHADs are also empowered to issue bonds or levy assessments to protect their communities. GHADs have police powers and can impose penalties on individual landowners who do not comply with the adopted Plan of Control. GHADs can be created prior to development and thereby secure a perpetual funding source through permanent supplemental property assessments.

Under the Beverly Act, a Plan of Control, prepared by a Certified Engineering Geologist, establishes the GHAD's responsibilities and priorities. The Plan of Control serves as the "general plan" for the GHAD and addresses the GHAD's ongoing activities, including the monitoring of geologic conditions, identification of geologic hazards, construction of needed improvements, and the maintenance, repair and replacement of facilities.

GHADs typically operate with a focus on the prevention of geologic hazards, with mitigation and abatement also being primary functions. A "geologic hazard" is broadly defined as an actual or threatened landslide, land subsidence, soil erosion, earthquake, fault movement or any other natural or unnatural movement of land or earth.

GHADs have become increasingly popular in recent years due to several factors, including the following.

- Increase of development in geologically active areas.
- Increased recognition of long-term stability and weathering issues and the inability to eliminate all geotechnical risk.
- Desire to provide an alternative to costly, time-consuming litigation.
- The absence of available insurance coverage for earth movement.

GHADs offer many advantages in dealing with geologic hazards. A GHAD focuses on the prevention of damage resulting from earth movement by identifying and monitoring potential hazards and undertaking appropriate improvements. GHADs have the ability to respond to unforeseen events quickly and efficiently with technical and financial resources. GHAD operations do not require local permitting, and concerns over liability are less likely to deter

needed actions, since GHADs have a degree of immunity from liability under the Government Code.

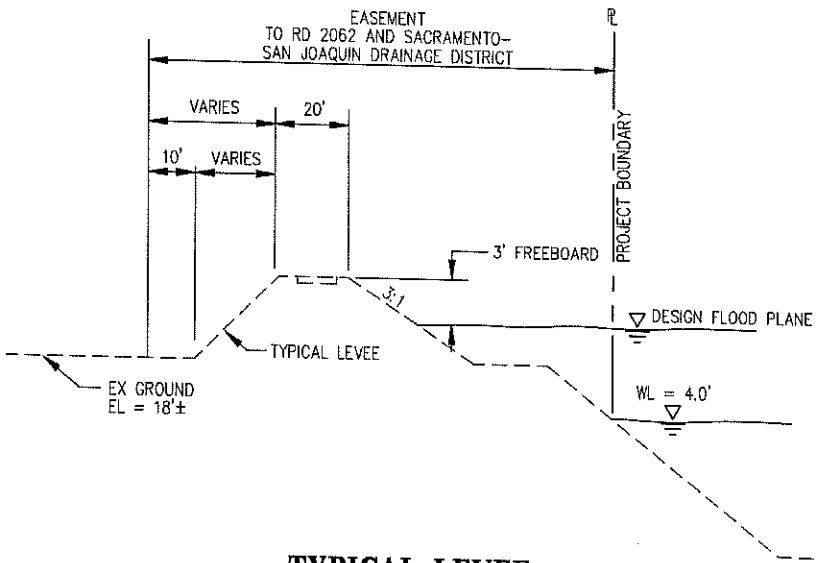
A GHAD also offers several advantages over a Homeowners Association (HOA) in dealing with geologic hazards. HOAs are not public agencies, which mean that they have a greater degree of potential liability and lack the ability to tax or issue bonds. GHADs have flexibility in collecting assessments. They are authorized to collect assessments along with the general property tax, which avoids the need for separate collection by another entity, such as an HOA. GHADs are managed by persons who have a high level of expertise in geotechnical engineering. With HOAs, reserve funds may be used for other purposes, and there is no formal plan of control.

Proposed River Islands GHAD

The applicant proposes to create a River Islands GHAD which would operate in conjunction with the local reclamation district to enforce proper operation and maintenance in the levee easement areas. The River Islands GHAD would adopt a Plan of Control which would reflect the restrictions of the State Reclamation Board Encroachment Permit and which would empower the GHAD to levy fines if standards were being violated.

In general, the purpose of the proposed River Islands GHAD is to provide for prevention, abatement, mitigation and control of geologic hazards affecting privately owned properties and public improvements, including riverbanks, drainage ways, drainage improvements, lakes, wetlands, water quality facilities etc. within the River Islands project. The Plan of Control for the River Islands GHAD is intended to delineate the general responsibilities, priorities and procedures for the functioning of the proposed GHAD.

A significant portion of the River Islands GHAD will govern the monitoring and maintenance of the river embankments, including responsibility for funding and implementation of the Operations and Maintenance Manual Supplement #2. The GHAD services will include regularly scheduled observation for erosion and/or potential slope instability, rapid repair of slope areas as needed, vegetation control including removal and/or replanting, and removal of unwanted debris or structures (including police power to enforce removal of homeowner-constructed structures). The GHAD will also be responsible for maintaining the access roads along the top of the riverbanks and providing access to these roads for the State Reclamation Board, Corps of Engineers, and State Department of Water Resources personnel. GHAD personnel will open gates for access by these agencies on an as-requested basis for regular observation and monitoring events, and will automatically maintain the gates in an open condition to allow unrestricted access during periods of high water.



TYPICAL LEVEE SECTION

NOT TO SCALE

EXHIBIT "E"

TYPICAL LEVEE SECTION

RIVER ISLANDS

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ATTACHMENT B

Noise Impacts
"Fill Permit"

Per the City of Lathrop Noise Ordinance, construction activities in, or within 500 feet of a residential zone (i.e., an area containing occupied residences) shall be prohibited between 10 p.m. and 7 a.m. Sunday through Thursday and between 11 p.m. and 9 a.m. on Fridays, Saturdays, and legal holidays.

In addition, in accordance with the mitigations adopted with the certified EIR (SCH No. 1993112027) all construction vehicles or equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and acoustical shields or shrouds, in accordance with manufacturers' recommendations. Construction equipment and truck routes shall be arranged to minimize travel adjacent to occupied residences. Stationary construction equipment and staging areas shall be located as far as possible from sensitive receptors, and temporary acoustic barriers may be installed around stationary equipment if necessary.

ATTACHMENT C

Air Quality Impacts
"Fill Permit"

The SJVAPCD emphasizes implementation of effective and comprehensive control measures rather than requiring a detailed quantification of construction emissions. The SJVAPCD requires that all feasible control measures (dependent on the size of the construction area and the nature of the construction operations) shall be incorporated and implemented.

Based on available information, it appears that the application of standard construction mitigation measures for the control of fugitive dust (i.e., the application of water or soil stabilizers) are effective methods of reducing dust-related impacts on agricultural crops.

In accordance with SJVAPCD guidelines (SJVAPCD 1998), the following mitigation, which includes SJVAPCD Basic, Enhanced and Additional Control Measures, shall be incorporated and implemented. In addition to the mitigation measures identified below, construction of the proposed project is required to comply with applicable SJVAPCD rules and regulations, including the requirement of a California Occupational Safety and Health Administration – qualified asbestos survey before demolition.

- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.
- All onsite unpaved construction roads and offsite unpaved construction access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- During demolition of buildings all exterior surfaces of the building shall be wetted.
- When materials are transported offsite, all material shall be covered, effectively wetted to limit visible dust emissions, or at least 6 inches of freeboard space from the top of the container shall be maintained.
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)
- Following the addition of materials to, or the removal of materials from, the surfaces of outdoor storage piles, piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
- Onsite vehicle speeds on unpaved roads shall be limited to 15 mph.
- Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from adjacent project areas with a slope greater than 1 percent.

- Wheel washers shall be installed for all exiting trucks and equipment, or wheels shall be washed to remove accumulated dirt prior to leaving the site.
- Excavation and grading activities shall be suspended when winds exceed 20 mph.
- The overall area subject to excavation and grading at any one time shall be limited to the fullest extent possible.
- Onsite equipment shall be maintained and properly tuned in accordance with manufacturers' specifications.
- When not in use, onsite equipment shall not be left idling.

Additionally, the project will adhere to adopted San Joaquin County Council of Governments and City of Lathrop Reasonably Available Control Measures (RACM) and Best Available Control Measures (BACM) for the mitigation of fugitive dust and particulate matter.

ATTACHMENT D

PHOTOGRAPH OF PROJECT SITE
"Fill Permit"

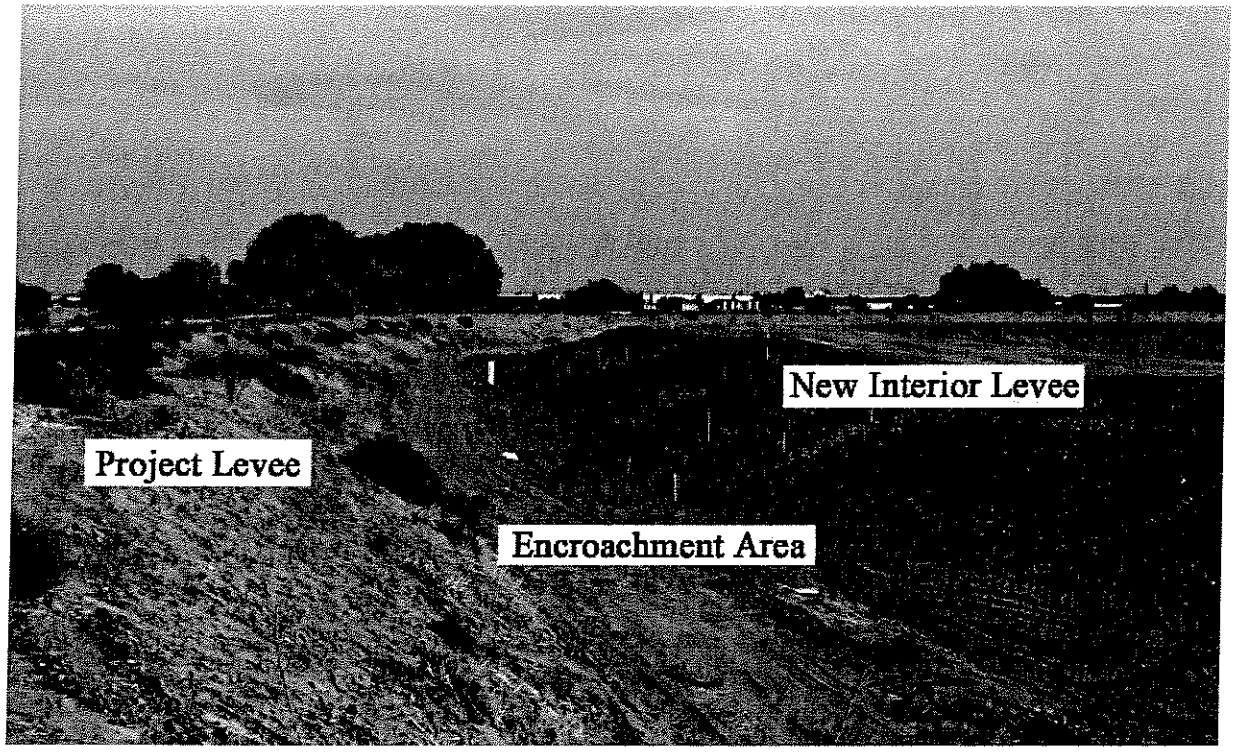
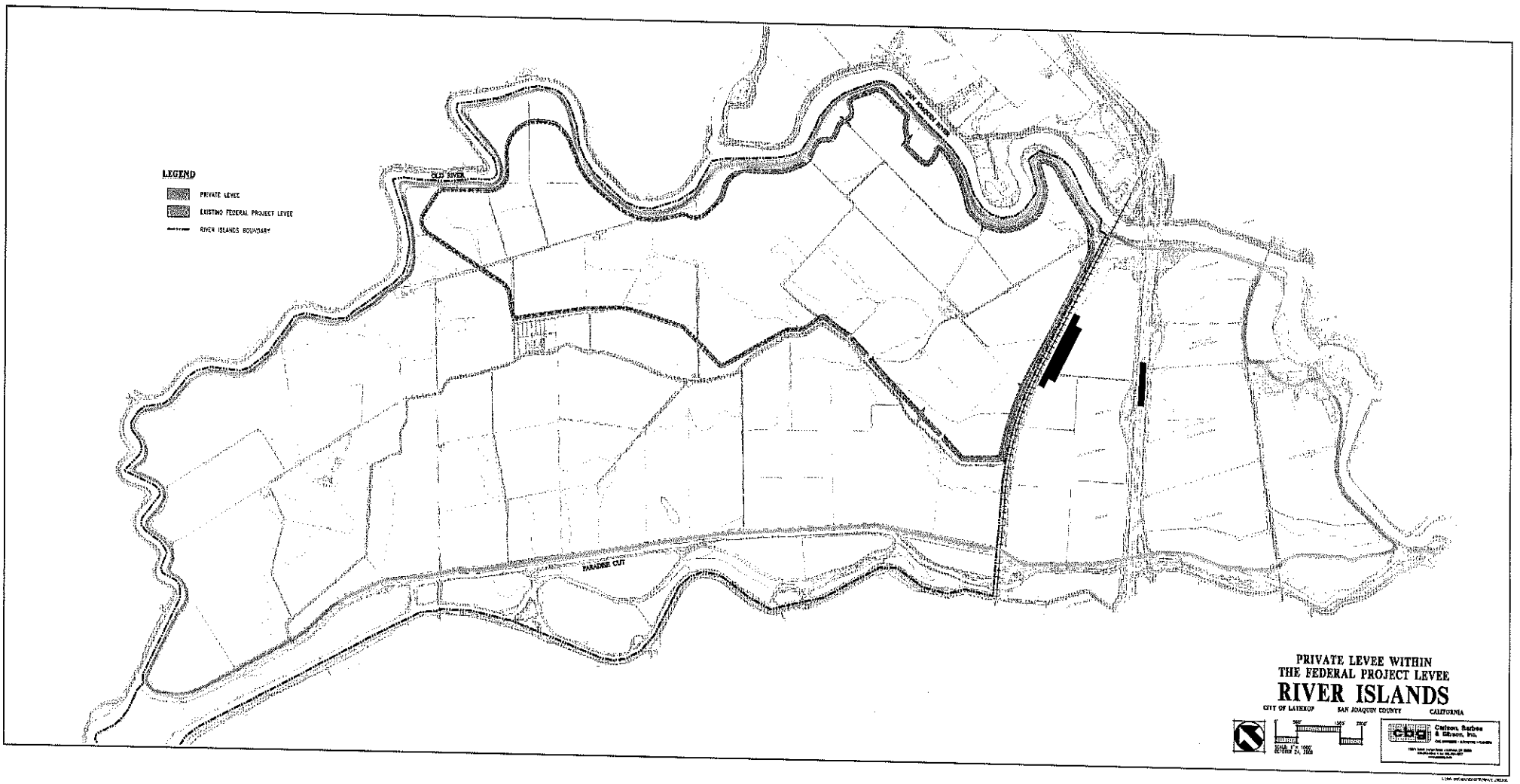
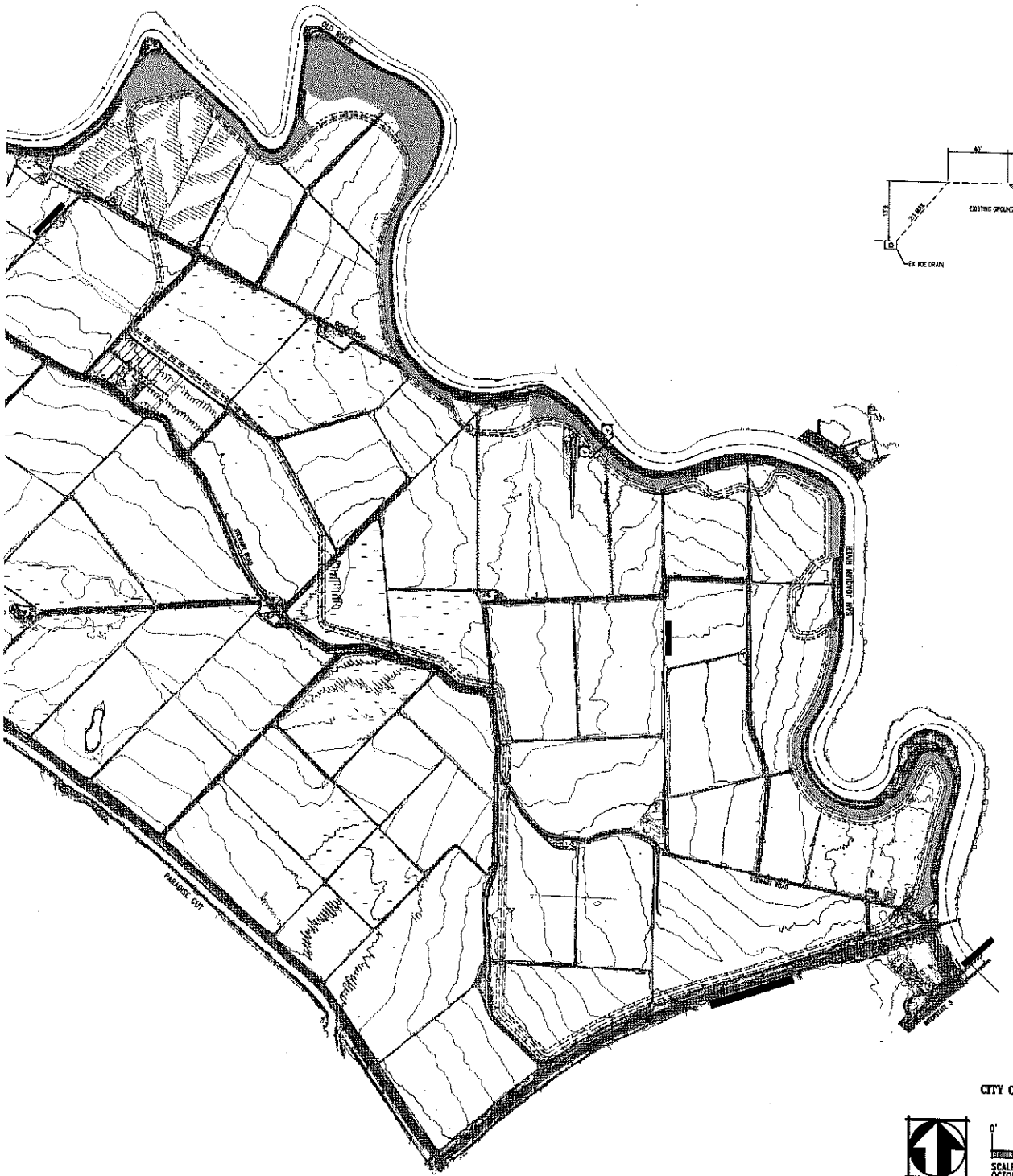


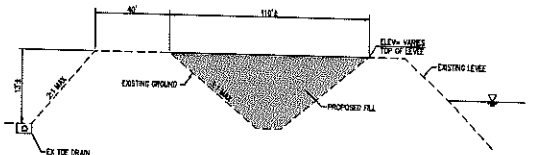
Photo Near Old River – Example of Encroachment Area Near Project Levee

PLANS AND DRAWINGS

"Fill Permit"


LEGEND
PRIVATE LEVEE
EXISTING FEDERAL PROJECT LEVEE
RIVER ISLANDS BOUNDARY
OLD RIVER
SAN JOAQUIN RIVER
PARADISE CUT
PRIVATE LEVEE WITHIN
THE FEDERAL PROJECT LEVEE
RIVER ISLANDS
CITY OF LATHROP SAN JOAQUIN COUNTY CALIFORNIA
500' 1000' 2000'
Carlson, Barbee & Gibson, Inc.





SECTION A–A
NOT TO SCALE

ENCROACHMENT AREA EXHIBIT
RIVER ISLANDS

CITY OF LATHROP SAN JOAQUIN COUNTY CALIFORNIA

0' 600' 1800' 2400'
SCALE: 1" = 600'
OCTOBER 20, 2005

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SHEET NUMBER
1
OF 1 SHEETS

Attachment B

Modification Request Letter

June 7, 2006

Bradley, Stephen

From: Ramon Batista [rbatista@cambaygroup.com]
Sent: Wednesday, June 07, 2006 6:05 PM
To: Morgan, Scott; Bradley, Stephen
Cc: sdellosso@cambaygroup.com; 'Glenn Gebhardt (E-mail)'; 'Guerra, Alicia'; bencarter@succeed.net
Subject: River Islands Applications to State Reclamation Board - Request for Modification
Importance: High
Attachments: Letter to Steve Bradley, re Modification to Applications, June 7, 2006.pdf

Gentlemen

Attached is a request from Susan Dell'Osso, Project Director of River Islands for modification of Applications #18018 and #18023. If you have any questions, she may be reached at (209) 879-7900 or at sdellosso@cambaygroup.com. You may also reply to this email. Thank you.

Ramon Batista
Director of Planning and Entitlements
River Islands at Lathrop
(209) 879-7900
(209) 879-7926 fax
rbatista@cambaygroup.com

RIVER ISLANDS

AT LATHROP

June 7, 2006

Mr. Stephen T. Bradley, Chief Engineer
State Reclamation Board
3310 El Camino Avenue
Room LL40
Sacramento, California 95821

RE: River Islands at Lathrop Applications #18018 and #18023 – Formal Modification of Applications

Dear Steve:

In accordance with our discussion today with you and Scott Morgan, we agree to modify Applications #18018 and #18023 as shown on the enclosed diagram labeled "River Islands Levee Easement." Please accept this letter as our formal request for these modifications.

We trust that this information will assist the staff in making its recommendation to the Board. Thank you for your continued cooperation and support of our application requests. If you have any questions, please do not hesitate to contact me.

Sincerely,

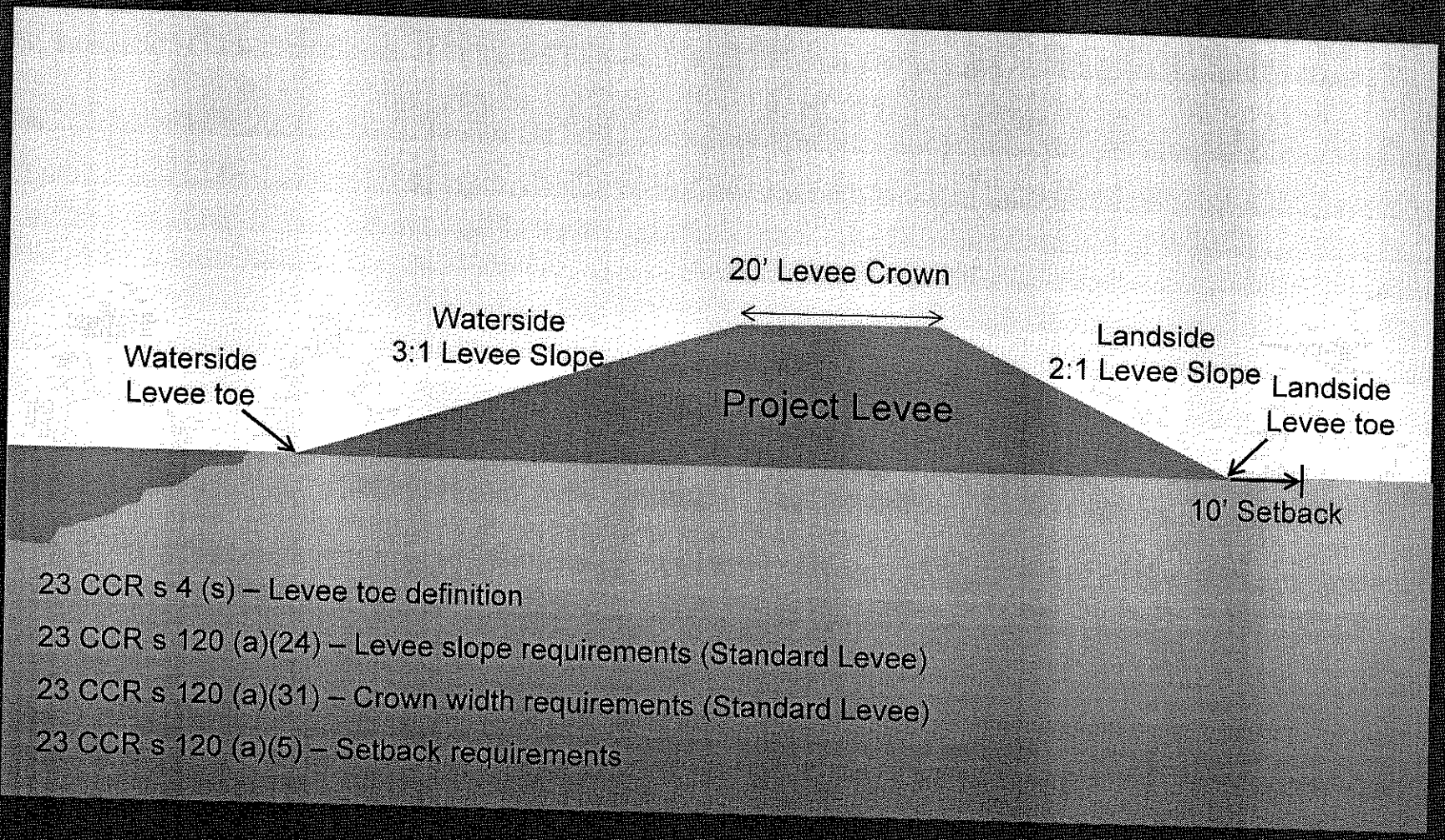
Susan Dell'Osso

Susan Dell'Osso
Project Director

cc: Ben Carter, President (w/Enc.)
Scott Morgan, Board Counsel (w/Enc.)
Alicia Guerra, Morrison and Foerster (w/Enc.)

THE CAMBAY GROUP, INC.
73 West Stewart Road, Lathrop CA 95330 * Tel 209.879.7900 * Fax 209.879.7928

Typical Levee Profile



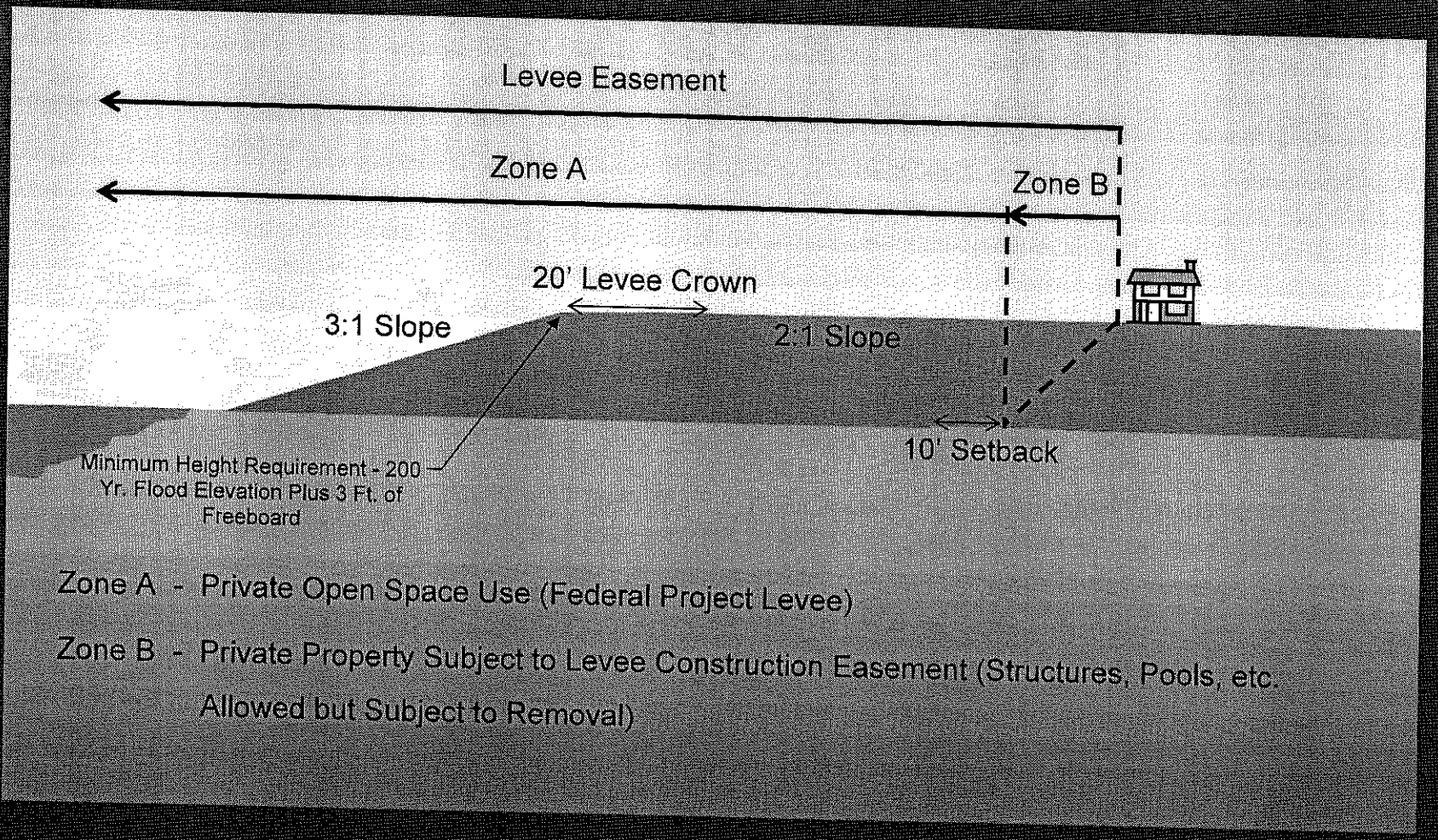
23 CCR s 4 (s) – Levee toe definition

23 CCR s 120 (a)(24) – Levee slope requirements (Standard Levee)

23 CCR s 120 (a)(31) – Crown width requirements (Standard Levee)

23 CCR s 120 (a)(5) – Setback requirements

River Islands Levee Easement



Zone A - Private Open Space Use (Federal Project Levee)

Zone B - Private Property Subject to Levee Construction Easement (Structures, Pools, etc. Allowed but Subject to Removal)

Attachment C

Reclamation Board EIR Comment Letter

December 30, 2002

Rec. Bd. Chro

DEC 30 2002

Mr. Bruce Coleman, Community Development Director
City of Lathrop
Community Development Department
16775 Howland Road, Suite 1
Lathrop, California 95330

Dear Mr. Coleman:

The Reclamation Board appreciates the opportunity to review and comment on the Draft Subsequent Environment Impact Report (EIR) for the River Islands at Lathrop Project, dated October 16, 2002. We appreciate your extension of the comment period for providing our comments.

The Board is responsible for ensuring the integrity and capacity of the flood control system within the Sacramento and San Joaquin Drainage System. It has regulatory authority over encroachments to adopted plans of flood control pursuant to Water Code Sections 8500 through 9389. The Board is concerned with the potential impacts of the proposed project on the San Joaquin River Flood Control System and its flood flow capacity in the vicinity of the project site. Because this project constitutes an encroachment in the system, Board approval will be required. Our specific comments are as follows:

1. A Board encroachment permit will be required for the proposed project. It is recommended that you have significant coordination meetings with Board staff prior to submittal of the permit application. The permit process is described in Title 23 of the California Code of Regulations.

2. Impact 4.8-m of the Draft Subsequent EIR states that the project "could result in increases to flood stage elevations in the surrounding area during severe flood events." The Board is concerned that higher water surface elevations would burden the flood control system and could increase the stress on the levees and the risk of levee failures in the vicinity of the project site. The higher water surface elevations during a flood event may decrease the level of flood protection provided by the project levees in the surrounding Reclamation Districts. The impacts that may result from the potential for increased stages should be quantified by modeling and mitigation measures for these impacts should be addressed if they are significant. The Board considers any measurable increase in water surface elevation to be significant.

3. Impact 4.8-m indicates that the project will result in changes in velocities to the San Joaquin River and other surrounding waterways. It also states that "[h]igher flow velocities in the downstream channels could exacerbate erosion during

flooding and thereby contribute to levee failure, even if overtopping does not occur." The Board is extremely concerned about higher velocities that could result in increased bank erosion, leading to a higher risk of levee damage and the need for costly erosion control projects. The Board requests that these velocities be quantified to the extent possible through modeling and that impacts be properly mitigated if significant. At the minimum, velocities with a magnitude sufficient to move local bed or bank materials should be considered significant.

4. Impact 4.8-m also indicates that the "potential exists with any levee that boils can occur from seepage." A seepage potential discussion on page 4.7-10 states that "[p]ermeability of the soil in the existing levees and associate seepage could result in levee failure." The Department of Water Resources has documented seepage problems caused by a rise in groundwater level on the landside of the San Joaquin River in the general vicinity of Stewart Tract during high water events. The Board recommends that the potential for under-levee seepage and the potential for the seepage to transport levee foundation material out of the levee structure be more fully addressed in the EIR and mitigation measures evaluated.

5. Modifications of existing project levees, to create the back bays and to widen Paradise Cut, will require adjustments to the Board's easements and right of ways, which will require approval by the Board. Furthermore, the new and modified levees may be required to be adopted as flood control project levees, a process that may involve authorization by both the Board and the U.S. Army Corps of Engineers (Corps). Therefore, the proposed levees for the back bays and Paradise Cut should be designed to meet all Corps and Board standards for project levees. The Board's levee standards are presented in Title 23, Section 120.

6. Accessibility to levees on both landside and waterside is critical for levee inspections, levee maintenance, and potential flood fights. Therefore, it is critical that the levees currently protecting Stewart Tract continue to be accessible to personnel from both the State and local maintaining agency for levee inspection, maintenance, and flood emergencies. Standards for levee accessibility may be found in Title 23, Section 120.

7. As addressed by the Draft Subsequent EIR, the proposed project will remove a large portion of Stewart Tract from potential flood storage. Our records show levee failures and flooding of Stewart Tract occurred in 1938, 1950, and 1997. The Board is concerned with the removal of Stewart Tract's historical ability to reduce and delay the flood peak downstream of the proposed project. Loss of this historic flood storage capacity may increase the risk of flooding for other

properties within the flood control system. This risk should be quantified through modeling and appropriate mitigation measures evaluated.

8. Because this project removes a large portion of Steward Tract from potential flood storage, the Board is concerned about the cumulative and growth inducing impacts of the project. In particular, the EIR should evaluate the impacts of existing and reasonably foreseeable projects on flood storage on the San Joaquin River System. In addition, the EIR should evaluate whether this project may cause growth inducing impacts, by facilitating the development of other projects in the region that may reduce available flood storage capacity.

Again, thank you for the opportunity to comment on this document. If you have any questions, please call me at (916) 653-5434 or Steve Bradley, Chief Engineer to the Reclamation Board, at (916) 653-8089.

Sincerely,

ORIGINAL SIGNED BY
Peter D. Rabbon
General Manager

bcc: David Sandino

BLek:Sharon Jenkins
C:\sharon\bradley\coleman ltr
Spell check December 27, 2002

Attachment D

Concurrence with CEQA Compliance

February 2, 2006

State of California The Resources Agency

Memorandum

Date: FEB 0 2 2008

To: Dan Fua, Acting General Manager
The Reclamation Board
3310 El Camino Avenue, Room LL-40
Sacramento, CA 95821

From: **Department of Water Resources**

Subject: Environmental Review Committee Recommendations from the December 2005 Meeting

Attendees:

The Reclamation Board	Mike Mirmazaheri
State Lands Commission	Madeline Cavalieri (via e-mail)
Department of Fish and Game	Joyce Young (via e-mail)

The Committee made the following recommendations for twelve Reclamation Board permit applications (the agenda is attached.

The following twelve applicants have provided environmental documents that indicate compliance with the California Environmental Quality Act:

Copies in

No. 18008	Luther Clark, Sacramento River
No. 18011	Mark Elder, Butte Creek
No. 18012	Caltrans, Bear Creek
No. 18013	San Joaquin County Public Works Dept, Stockton Diverting Canal
No. 18015	PG & E, Calaveras River
No. 18016	Robert Style, Sacramento river
No. 18017	Shasta Ranch LLC, Sacramento River
No. 18018	City of Lathrop, San Joaquin and Old Rivers
No. 18019	Marc Brennen, Sacramento River

No. 18020	Charles Collins, Sacramento River
No. 18021	Calif. Dept. of Parks & Rec, Big Chico Creek
No. 18022	Fairfield-Suisun Sewer District, Ledgewood Creek

Please call me if you have any questions.

ORIGINAL SIGNED BY

Mike Mirmazaheri, Acting Chair
Environmental Review Committee
(916) 574-0653

CONCUR:

ORIGINAL SIGNED BY — FEB 0 2 2006

Dan Fua, Acting General Manager
The Reclamation Board

Date

cc: Environmental Review Committee Members (without attachment)
Sam Brandon (with attachment)
Steve Dawson (with attachment)
Mikee Green (with attachment)
Mike Mirmazaheri (with attachment)
Mike Petersen (with attachment)
Sterling Sorenson (with attachment)
Al Vargas (with attachment)

NOTE: This memo reflects the outcome of the meeting only. The status of these applications may have changed by the time the memo is finalized and distributed.

Applications for Review by
Environmental Review Committee
The Reclamation Board
December 2005

Application: 18008
Applicant: Luther Clark
Project: To construct an 82-foot long, 16-foot wide concrete driveway on the left (east) bank overflow area of the Sacramento River.

Location: The project is located in Sacramento, upstream of Elkhorn Blvd. at 6805 Garden Highway.

Environmental Documentation: Reclamation Board is the lead agency.

Recommendation: CEQA has been complied

Application: 18011
Applicant: Mark Elder
Project: To authorize a 3-foot high, approximately 300 feet long wooden fence one foot landward from the landside toe and parallel to the right (west) bank levee of Butte Creek.

Location: The project is located in Durham, downstream of the Durham Highway at 9394 Stanford Lane.

Environmental Documentation:
Reclamation Board is the lead agency.

Recommendation: CEQA has been complied

Application: 18012
Applicant: CALTRANS
Project: To close approximately 12 feet wide by 165 feet long median gap of existing bridge, and construct an additional lane supported by four 15-inch-diameter concrete pilings across Bear Creek.

Location: The project is located south of Lodi, north of Eightmile Road on Highway 99.

Environmental Documentation:
Applicant has filed a Notice of Exemption for both CEQA & NEPA; applicant has also either obtained or applied for the followings:

- DFG authorization under DFG Code, Section 1600.
- Army Corps, 404, Section 10, Nationwide 25.
- CRWQCB 401 certification

Recommendation: CEQA has been complied

Application: 18013
Applicant: San Joaquin County Public Works Department
Project: To remove an existing concrete bridge, and construct a new 282-foot-long 32-foot wide, 8-span, reinforced concrete bridge, across Stockton Diverting Canal, supported by forty five, 24-inch diameter concrete piles.

Location: The project is located in Stockton, west of Highway 99 between Alpine Avenue and McAllen Road at the north end of Wilson Way.

Environmental Documentation:
Applicant has filed a Notice of Exemption with the Office of Planning and Research, applicant has also either obtained or applied for the followings:

- DFG authorization under DFG Code, Section 1603.
- Army Corps, Nationwide 23.
- CRWQCB 401 certification

Recommendation: CEQA has been complied

Application: 18015
Applicant: PG & E
Project: To install a 60-foot tall power pole on the landside slope of the left (south) bank levee, a 45-foot tall pole on the landside slope of the right (north) bank levee and an overhead line across the channel of the Calaveras River.

Location: The project is located in Stockton between Bianchi Road and Ingram Street east of El Dorado Street.

Environmental Documentation:
Reclamation Board is the lead agency.

Recommendation: CEQA has been complied

Application: 18016
Applicant: Robert Sylte
Project: To demolish existing dwelling and construct a two story 4,039-square-foot residence on the left (east) bank overflow area of the Sacramento River.

Location: The project is located in Sacramento, south of San Juan Road at 3101 Garden Highway.

Environmental Documentation:
Reclamation Board is the lead agency.

Recommendation: CEQA has been complied

Application: 18017
Applicant: Shata Ranch, LLC
Project: To excavate approximately 12 million tons of material (400,000 annually) over 30 years from 268-acres on the right (west) bank designated floodway of the Sacramento River.

Location: The project is located three miles east of Anderson.

Environmental Documentation:
This project has been documented in n EIR, SCH No.2005102134. Applicant has either obtained or applied for the followings:

- DFG authorization under DFG Code, Section 1600.
- Army Corps, 404, Section 10 permits.
- CRWQCB 401 certification

Recommendation: CEQA has been complied

Application: 18018
Applicant: City of Lathrop
Project: To place fill material between project levee and newly constructed interior private levee, and construct roads, install gates, fences; and plant vegetation on the left (south) bank of the San Joaquin and Old Rivers.

Location: The project is located southwest of Lathrop and west of Interstate 5.

Environmental Documentation:
This project has been documented in n EIR, SCH No.1993112027.

Recommendation: CEQA has been complied

Application: 18019
Applicant: Marc Brennen
Project: To demolish and abandon the first floor of existing home; and construct 1,800-square-foot addition on the left (east) bank overflow area of Sacramento River.

Location: The project is located in Sacramento, south of San Juan Road at 2945 Garden Highway.

Environmental Documentation:
Reclamation Board is the lead agency.

Recommendation: CEQA has been complied

Application: 18020
Applicant: Charles Collins
Project: To install a 3-foot high metal railing, on existing steps, on landside slope of left (east) bank levee of the Sacramento River.

Location: The project is located in Sacramento, west of Interstate 5 at 6790 Arabella Way.

Environmental Documentation:
Reclamation Board is the lead agency for Class 2 categorical exemption. No other permit is required.

Recommendation: CEQA has been complied

Application: 18021
Applicant: California Department of Parks and Recreation
Project: To construct a 10-foot wide by 40-foot long concrete boat ramp with approximately 14 cubic yards of rock riprap, a half acre gravel parking area with a 20-foot wide, 400-foot long gravel access road and chemical restroom; and an 8-foot wide, approximately one mile long hiking trail on the right (north) bank overflow area of Big Chico Creek.

Location: The project is west of Chico, south of Sacramento Avenue, adjacent to Sutter Avenue.

Environmental Documentation:
This project has been documented in a Negative Declaration, SCH No. 2005102045. Applicant has either obtained or applied for the followings:

- DFG authorization under DFG Code, Section 1600.
- Army Corps, Nationwide 36 permits.
- CRWQCB 401 certification

Recommendation: CEQA has been complied

Application: 18022
Applicant: Fairfield-Suisun Sewer District
Project: To install a 10- by 27-foot outfall structure with a 42-inch diameter HDPE sewer pipe on the right (west) bank; place riprap across channel of Ledgewood Creek.

Location: The project is located in Fairfield, south of I-80 at Cordelia Road.

Environmental Documentation:
This project has been documented in an EIR, SCH No. 2004032046. Applicant has either obtained or applied for the followings:

- DFG authorization under DFG Code, Section 1600.
- Army Corps, 404, Section 10 & Nationwide 7, 12, & 33 permits.
- USF&WS Section 7 consultation
- CRWQCB 401 certification

Recommendation: CEQA has been complied